



Minnesota State University, Mankato

Cornerstone: A Collection of Scholarly and Creative Works for Minnesota State University, Mankato

All Theses, Dissertations, and Other Capstone
Projects

Graduate Theses, Dissertations, and Other
Capstone Projects

2020

Overcoming Tools of Oppression: Plain Language and Human- Centered Design for Social Justice

Michela Sims

Minnesota State University, Mankato

Follow this and additional works at: <https://cornerstone.lib.mnsu.edu/etds>



Part of the [International and Intercultural Communication Commons](#), and the [Technical and Professional Writing Commons](#)

Recommended Citation

Sims, M. (2020). Overcoming tools of oppression: Plain language and human-centered design for social justice [Master's thesis, Minnesota State University, Mankato]. Cornerstone: A Collection of Scholarly and Creative Works for Minnesota State University, Mankato. <https://cornerstone.lib.mnsu.edu/etds/1054>

This Thesis is brought to you for free and open access by the Graduate Theses, Dissertations, and Other Capstone Projects at Cornerstone: A Collection of Scholarly and Creative Works for Minnesota State University, Mankato. It has been accepted for inclusion in All Theses, Dissertations, and Other Capstone Projects by an authorized administrator of Cornerstone: A Collection of Scholarly and Creative Works for Minnesota State University, Mankato.

Overcoming Tools of Oppression:
Plain Language and Human-Centered Design for Social Justice

By

Michela Sims

A Thesis Submitted in Partial Fulfillment of the

Requirements for the Degree of

Master of Arts

In

Technical Communication

Minnesota State University, Mankato

Mankato, Minnesota

July 2020

June 15, 2020

Overcoming Tools of Oppression: Plain Language and Human-Centered Design for Social Justice

Michela Sims

This thesis has been examined and approved by the following members of the student's committee.

Dr. Abigail Bakke, Advisor

Dr. Lee Tesdell, Committee Member

Dr. Emily Sauter, Committee Member

Contents

Chapter 1: Introduction	1
Background on the Asylum Process in the United States	2
Chapter 2: Literature Review	11
Social Justice in Technical Communication	11
Research Trends in the Field	11
Plain Language for Social Justice	12
Human-Centered Design for Social Justice	17
Summary	18
E-government Ideology	19
U.S. E-government	22
Social Justice in E-government	24
Chapter 3: Methodology	32
Artifact	32
Research Method	33
Analytical Process	37
Chapter 4: Analysis	39
Design: Organization and Readability	40
I-589 Application: Successes in Organization	40

I-589 Application: Failures in Readability.....	41
I-589 Instructions: Failures in Organization and Readability	45
Language: Word Choice and Audience	55
I-589 Application and Instructions: Successes in Word Choice and Audience.....	55
I-589 Application: Failures in Word Choice Connect to Failures in Audience	55
I-589 Instructions: Success in Word Choice and Audience	58
I-589 Instructions: Failures in Word Choice Connect to Failures in Audience	58
Summary.....	65
Chapter 5: Discussion	66
Discussion	66
Conclusion and Recommendations	71
References	76
Appendix A.....	82

OVERCOMING TOOLS OF OPPRESSION:
PLAIN LANGUAGE AND HUMAN-CENTERED DESIGN FOR SOCIAL JUSTICE

MICHELA SIMS

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS IN TECHNICAL COMMUNICATION

MINNESOTA STATE UNIVERSITY, MANKATO
MANKATO, MINNESOTA

JULY 2020

ABSTRACT

Technical communication audiences are increasingly international and intercultural. Some of these audiences may be vulnerable and suffering trauma following violations of their human rights and dignity. In such cases, technical documents can serve to reinforce the oppression experienced by these audiences. Technical communicators must adapt and create methods to communicate ethically and responsibly with these audiences through a social justice lens. This thesis utilizes adapted plain language guidelines from plainlanguage.gov combined with human-centered design (“HCD”) guiding principles to perform a qualitative document analysis of technical government forms. The findings of this analysis demonstrate a need for continued integration of plain language and HCD in practice and pedagogy, research and pedagogy surrounding the ways technical communicators should balance the needs of vulnerable audiences with the interests of powerful stakeholders, and meaningful collaboration between technical communicators and government institutions.

Chapter 1: Introduction

Technical communication is increasingly concerned with issues of human rights and human dignity. These terms may not always explicitly appear in the literature, but the sentiments do (e.g., Walton, 2016; Agboka, 2014; Jones, et al., 2016; Jones & Walton, 2013; Agboka, 2013; Colton & Holmes, 2018; Jones, 2016). Many published works and school curriculums discuss the problems presented by “marginalizing practices of normativity,” “static, simplistic notions of culture and identity that can perpetuate stereotyping,” and “inequitable power distribution, exclusion from decision making, and analysis without action” (Walton, 2016, p. 403). In our work and in our scholarship, technical communicators strive for inclusivity, accessibility, and connection to more members of our audience. In a globalizing world, one of the major challenges we face is how to create communication which recognizes and confronts the social justice issues faced by individuals around the world. In particular, we need more critiques of the existing documents created to communicate with audiences that may be traumatized and vulnerable after suffering violations of human rights and dignity. We should also question: at what point does that communication only serve to reinforce oppression?

E-government websites (i.e., government websites which utilize mobile technology to provide information and services) which serve an international audience are a good place to begin to address this question. This paper will examine the United States Citizenship and Immigration Services’ (USCIS) I-589 Application for Asylum and for Withholding of Removal (Appendix A), as well as the Instructions for the I-589 Application for Asylum and for Withholding of Removal (Appendix B) to inspect the treatment of this audience through

document analysis. My research will contribute to the increasing scholarship on social justice in technical communication and demonstrate the important need for more.

Background on the Asylum Process in the United States

USCIS oversees lawful immigration into the U.S., including humanitarian programs like asylum. Asylum law in the United States is based upon international law, which prohibits states from forcing an individual to return to a country where they may be persecuted based upon “race, religion, nationality, membership of a particular social group, or political opinion” (Miller et al., 2014, p. 31). These are the five bases of eligibility upon which an applicant may petition for asylum. According to Miller, et al. (2014), “U.S. law provides three treaty-based forms of relief or protection for individuals fleeing persecution: (1) asylum and (2) withholding of removal—which are based on the 1951 U.N. Refugee Convention and the 1980 Refugee Act—and (3) protection against return under Article 3 of the Convention Against Torture (CAT)” (p. 7). Each of these grant varying levels of aid and benefits and each have different levels of requirements to be met by the applicant.

To be granted relief through asylum, the applicant must prove a “possibility” of persecution based upon one of the five bases of eligibility, (e.g., race, religion, etc.) (Miller, et al., 2014, p. 32). To be granted withholding of removal, the applicant must prove there will be persecution if they return to their home country based upon those same eligibilities (Miller, et al., 2014, p. 32). And to be granted protection against return under CAT, the applicant must prove that they have suffered torture or will suffer torture, as defined by the CAT, and that torture does not have to be linked to one of the five bases of eligibility (Miller, et al., 2014, p. 32).

Applicants granted asylum status may stay in the U.S. indefinitely and are given a path to citizen, protection for their family, and the right to work within the U.S. (Miller, et al., 2014, p. 32-34). Applicants granted withholding of removal may apply to work within the U.S., but they are not granted a legitimate status, path to citizenship, or protection for their family and they may be removed from the U.S. if conditions in their home country change. They also cannot leave the U.S. or return to their home country (Miller, et al., 2014, p. 32-34). Applicants granted protection against return under CAT receive the same benefits as withholding but may be detained after they are granted relief or removed to another country where they would be safe from torture (Miller, et al., 2014, p. 32-34). For simplicity in this thesis, the process will generally be referred to as “asylum” and applicants referred to as “asylum applicants.”

All applicants must submit an I-589 application and indicate which form of relief they are applying for and under with basis of eligibility. The entire process can take anywhere from six months to several years, depending upon the circumstances and basis of eligibility under which the applicant applies. For example, under the affirmative asylum process (meaning the applicant applies from inside the U.S. or at a port of entry within one year of arrival), “the Immigration and Nationality Act (INA) requires USCIS to schedule the initial interview within 45 days after the application is filed and make a decision within 180 days after the application date” (National Immigration Forum, 2019, para. 10). Alternatively, under the defensive asylum process (meaning the applicant applies from inside the U.S. after being detained for entering the country illegally or arriving at a port of entry without a valid visa), the applicant must apply through immigration court, which is much slower. According to the National Immigration Forum (2019), “As of July 2018, there were over 733,000 pending immigration cases and the average

wait time for an immigration hearing was 721 days” (para. 11). The Department of Homeland Security (DHS) has jurisdiction over these cases. If an individual is already in removal proceedings when they submit their I-589 or if it is discovered they may be eligible to apply during removal proceedings, the Department of Justice (DOJ) has jurisdiction (Miller et al., 2014).

The I-589 application and instructions appear to be published in partnership by USCIS, a division of the DHS, and the U.S. Executive Office for Immigration Review, a division of the DOJ. In this thesis, these forms will be referred to as the “application” and “instructions,” respectively. These documents can be ordered by phone or downloaded from the USCIS e-government webpage, uscis.gov/i-589 (see Figure 1).

Figure 1: USCIS Webpage for the I-589 Application

Official Website of the Department of Homeland Security

Tài nguyên đa ngôn ngữ

U.S. Citizenship and Immigration Services

Search our Site

Need Help? Ask Emma

Espanol | About USCIS | Contact Us

FORMS NEWS CITIZENSHIP GREEN CARD TOOLS LEGAL RESOURCES

USCIS Response to Coronavirus 2019 (COVID-19)

Home > Forms > I-589, Application for Asylum and for Withholding of Removal

Versión en español Print

Forms

I-589, Application for Asylum and for Withholding of Removal

Use this form to apply for asylum in the United States and for withholding of removal (formerly called “withholding of deportation”). You may file for asylum if you are physically in the United States and you are not a U.S. citizen.

Form I-589 (PDF, 346 KB)

Instructions for I-589 (PDF, 157 KB)

Close All Open All

Number of Pages +

Edition Date +

Where to File +

Filing Fee +

Close All Open All

Top

Most Popular Forms

- Apply for Citizenship (Form N-400)
- Apply for a Green Card (Form I-485)
- Petition for Alien Relative (Form I-130)
- Apply for Employment Authorization (Form I-765)
- Affidavit of Support (Form I-864)
- Employment Eligibility Verification (Form I-9)
- Apply for a Travel Document (Form I-131)
- Remove Conditions on a Green Card through Marriage (Form I-751)
- Renew or Replace My Green Card (Form I-90)

This webpage begins with a brief description of the purpose of the application, followed by a PDF link to the application and a PDF link to the instructions. There is some additional information on the page, including the length of the documents, edition date of the documents, where to file the documents, and the filing fee. However, the bulk of the information exists in the two PDFs.

The application is 12 pages long and consists of the main, 10-page form and two supplemental, optional, one-page forms. The application may be printed and filled out by hand or downloaded and filled out in Adobe. It consists of questions relating to biographical information and questions relating to the abuses suffered by the applicant. The applicant is asked to list these abuses in as much detail as possible. Regardless of how this form is completed, it must be submitted for processing by mail. Recently, uscis.gov has begun to offer e-submissions for a few applications, but this does not include the I-589 application.

The I-589 application is one of the few immigration forms that does not require a fee, though other expenses often apply. While the I-589 is one of the shorter immigration applications, it is still a complex government form with very specific instructions. It consists of 65 questions relating to the applicant and their claims—more than double that if they are married with multiple children. The instructions state that “the public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions, and completing and submitting the form” (p. 14). This does not include a time-cost analysis for applicants who seek legal representation or require translation services. The documents are only provided in English and must be submitted in English.

The application instructions are 14 pages long and provide information on topics such as the purpose of the application, descriptions of proceedings, and legal references, as well as instructions for answering each question on the application. It also instructs the applicant on what kinds of supplemental information to provide in order to prove their claims. The instructions are arguably more complex than the actual application and the application cannot be completed without them.

Before I continue, it is important to address the sensitive nature of this topic. According to Mehta's (2011) asylum article in *The New Yorker*, "The majority of asylum seekers in America...really would be at serious risk if they were returned to their countries." Asylum applicants are often traumatized and fleeing from political, social, and economic turmoil which has placed them in harm's way. Each has their own unique story, and many have suffered violations of their rights and dignity as human beings. According to Pascucci et al... (2014), asylum applicants can experience various kinds of trauma, ranging from violence, rape, torture, and familial loss, to dangerous escapes and complex immigration proceedings.

In 2016 (and historically), most applicants approved for asylum came from China, followed by El Salvador, Guatemala, Honduras, and Mexico, and the vast majority settle in California (National Immigration Forum, 2019, para. 22-23). Most Chinese applicants apply because of the one-child policy and religious or political persecution. Women who fear they will be forced to have an abortion or have been forced to have an abortion to comply with the policy often apply, as well as practicing Christians and human rights activists (Chang, 2018). Most applicants fleeing from the aforementioned South American countries are fleeing with their families from violent crimes, often attributed to dangerous gangs, such as MS-13. These gangs

typically target women and children by threatening or coercing them into relationships with gang members or membership into the gang. Continued refusal often results in horrible violence and even death (Meyer & Pachico, 2018).

The current political climate toward asylum in the U.S.—and immigration in general—is contentious. There tends to be two dominant culture narratives regarding asylum seekers. In one, the majority of asylum seekers secure help from the U.S. government to escape desperate situations and live in a free country. In the opposing narrative, cunning (and sometimes criminal) asylum seekers game the U.S. immigration process to secure an easy path to citizenship. While the previous administration did see more asylum approvals and the current administration has called for stricter asylum policies, skepticism toward asylum seekers has existed for some time.

There appears to be a strong belief held by many immigration officers and judges that many of the cases are fraudulent (Mehta, 2011). In 2015, USCIS Refugee, Asylum and International Operations Refugee Affairs Division Chief, Barbara Strack, and USCIS Fraud Detection and National Security Associate Director, Matt Emrich, testified that their agencies were “committed to deterring and detecting fraud among those seeking to resettle in the United States” and that refugees and asylum applicants were “subject to the highest level of security checks” (States News Service, 2015, para. 2-10). Their statement mostly consists of reassurances that the agencies do everything possible to ensure that only valid asylum applicants are approved to remain within the United States. The statement does not focus very much on helping asylum applicants out of a terrible situation.

According to Meyer & Pachico (2018), “U.S. agencies have not collected strong evidence showing that the U.S. asylum system is ‘currently subject to rampant abuse and fraud,’ as stated by Attorney General Jeff Sessions in remarks to Congress on Oct. 12, 2017.” They go on to cite a 2015 report by the United States Government Accountability Office, which found that USCIS and the Executive Office for Immigration Review have the resources to investigate fraud but lack a system to regularly assess fraud across the process. It is difficult to find reports and data published on the amount of fraud present or ongoing in the asylum process overall, but there is precedence for its existence. For example, according to a special report from NPR, in 2012 federal prosecutors launched “Operation Fiction Writer”, an investigation into asylum mills (Chang, 2018). They prosecuted 30 immigration lawyers, interpreters, and paralegals for helping immigrants fraudulently obtain asylum status—most of them from China. They were accused of “dumping boilerplate language in stories of persecution, coaching clients to memorize and recite fictitious details to asylum officers, and fabricating documents to buttress the fake asylum claims” (Chang, 2018). Those convicted were found to have helped over 3,500 immigrants obtain asylum, along with more than 10,000 family members. At the time of the NPR article, immigration and border protection agencies, such as USCIS, were still reviewing the 3,500 cases for legitimacy, meaning that up to 13,500 immigrants granted asylum before 2012 could lose their status.

Although the percentage of asylum case approvals continue to decline, the percentage of applicants who prove “credible fear” remains steady (USCIS, 2020). In 2016, 20,455 applicants were granted out of 73,081 cases. That amounts to a denial rate of 56.5 percent--an increase from 44.5 percent in 2011. In 2017, the denial rate increased to 61.8 percent (National

Immigration Forum, 2019, para. 17-21). Part of the reason for this could be new policies under the Trump administration which made it more difficult for applicants to seek legal representation. For example, under the “Remain in Mexico” policy, asylum applicants are now sent to await court hearings in Mexican border cities where staying in contact with clients is difficult for immigration lawyers and often requires them to work in high-crime areas (Lazo, 2020). The rate of unrepresented applicants has increased from a range of 13-17 percent in the early 2000s, to a range of 20-23% percent in more recent years (National Immigration Forum, 2019, para. 15-16). According to a report by NPR, asylum applicants with legal representation are five times more likely to win their case (Balaban, 2018). While applicants have the right to seek legal representation, they must fund it themselves (even though they are not allowed to work and may be detained while they await their hearing) or rely on pro bono work from charities that specialize in these cases.

Additionally, a large number of applicants’ personal stories do not align with the five legal bases of eligibility mentioned earlier in this chapter (e.g., race, religion, etc.). Recall that most applicants from South American countries are fleeing from gang threats and violence. According to Meyer & Pachico (2018), “Those fleeing generalized crime and violence in their home country do not easily fit into these categories [bases of eligibility].” Many immigration judges interpret the basis of eligibility “membership in a particular social group” as applying to the women and children most often targeted by gangs. And in other cases, applicants may be targeted by gangs based upon race, sexuality, gender, or religion, which also fall within the five bases of eligibility. Still, these cases are not evenly tried and interpreted under the law. According to Meyer & Pachico (2018), “Whereas judges in New York grant asylum in more than

75 percent of cases, in Atlanta almost 90 percent of asylum requests are denied.” The authors also repeat Balaban’s claim that successful applications are largely dependent on legal representation. They cite a study by Syracuse University’s Transactional Records Access Clearinghouse which found “a concerning increase in the number of denials of asylum claims as well as in the number of asylum seekers handling their cases without legal representation.” As the snapshot presented in this chapter shows, there are considerable issues within the U.S. asylum process.

On the surface, technical documents communicate varying levels of complex information or instructions to enable an audience to act. However, as I will discuss in the next chapter, technical documents may be constructed to compel audiences to act in ways that place larger agendas above the audience’s needs or interests. Some audiences may be more vulnerable to this kind of manipulation, which could violate their human rights and dignity. Technical communicators must remain critical of practices which could promote systems of oppression. Analyzing documents which may be subjected to issues of social justice can provide valuable insight into how such abuse occurs and how it can be avoided.

This thesis will employ plain language and human-centered design methods from technical communication to analyze both I-589 documents within a social justice context. In Chapter 2, I will present the literature review, which will discuss social justice in technical communication, e-government ideology, U.S. e-government, and social justice in e-government. In Chapter 3, I will discuss my method of analyzing the I-589 application and instructions. In Chapter 4, I will present my analysis of the documents. In Chapter 5, I will discuss my findings, conclusions, and recommendations.

Chapter 2: Literature Review

Social Justice in Technical Communication

Research Trends in the Field

The underlying ideas and best practices of the technical communication field are rooted in industry, not social justice. The industrial revolution “focused on efficiency, expediency, and streamlining processes, not the human experience” (Jones, 2019, p. 344). Accordingly, technical communicators are taught to deliver content quickly, accurately, and succinctly. Toward the end of the 20th century, the field began to pursue research surrounding ethics and humanistic methodologies in technical communication (Miller, 1979). This coincided with social and legislative action on issues surrounding accessibility and discrimination lasting into the early 2000s. This led to new movements within technical communication to expand and improve human-centered design (“HCD”) and plain language, which I will discuss more fully in the next two sections. The field’s interest in human issues in technical communication naturally evolved from here. Researchers began calling attention to violations of human rights and opportunities for social justice reform within the field.

In more recent years, researchers have posited different frameworks and methodologies for approaching social justice (e.g., Agboka, 2014; Jones, et al., 2016; Jones & Walton, 2013; Walton, 2016; Agboka, 2013; Colton & Holmes, 2018; Jones, 2016). While they still seek “practical problem solving” and “effectiveness,” researchers can begin to “make visible competing narratives about the work our field can and should do” (Jones, Moore, et al., p. 212).

This means further legitimizing and defining our field as more than merely supportive to other fields and industry. According to Jones & Walton (2013):

One of the major research questions that will drive the field of technical communication during the next 5-10 years is, 'How can technical communication scholars navigate increasingly cross-cultural, cross-disciplinary, and cross-organizational contexts to support social justice through better communication?' (p. 31)

The findings generated by other researchers seems to support this claim.

Agboka (2014) highlights how colonial methodologies “often assume that cultures are homogeneous, static, and isolated from the rest of the world” and calls for more decolonial methodologies (p. 299). Jones (2016) agrees that we should consider how “hegemonic practices and texts (like regulatory writing and state laws)” can reinforce oppression (p. 346). More approaches to social justice in technical communication include narratives, historical and archival research, critical race theory, feminist research and rhetoric, critical race feminism, and service-learning (Jones, 2016, pp. 348-356). In his book, Willerton (2015), draws connections between plain language and ethics. These ideas recognize the complexity of human experience and identity in a way that honors human rights and human dignity while resisting practices that would violate them.

Plain Language for Social Justice

According to Willerton (2015), plain language has its origins in the plain-English style of the fourteenth century. Different ideas around what this meant circulated over the centuries before finally gaining new ground in the 1970s. Public outcry against media, advertising, and politicians, such as “double-speak” and other types of misleading language called more general

attention to the movement. New studies exposed problems and promoted new methods in both the language and design of documents. Research was commonly conducted in collaboration with industry. Public figures in government called for plainer language from politicians, businesses, and government agencies. Some of these calls to action were passed into law, such as the U.S. Paperwork Reduction Act, which required agencies to use only necessary forms and make them as simple and short as possible for the public.

The plain language movement in the U.S. has been gaining ground since the 1940s. According to Schriver (2017), from 1940 to 2015, plain language evolved from simple readability in written texts to a holistic approach to communication and visual design in a variety of mediums. The Plain Language Act of 2010 “requires federal agencies to demonstrate awareness of plain language, offer plain-language training, and write new public documents in plain language” (Willerton, 2015, p. 9). While these agencies are also required to provide annual reports demonstrating their compliance with this legislation, the act is “neither subject to judicial review nor enforceable by administrative or judicial action” and does not require federal regulations be written in plain language (Willerton, 2015, p. 10).

While many organizations promote the use of plain language, the movement does have opponents. Some common complaints include that language is merely shortened or “dumbed down,” disallowing technical language and making documents less precise and friendly for expert readers of technical documents (Willerton, 2015). Willerton largely dismisses these objections, citing instead the many advantages plain language provides. Plain language can clarify confusion, ease uncertainty, and help convey empathy for the user’s problems and challenges even in technical documents.

As time went on, technical communicators began to look more closely at the role trust plays in successful use of technical documents (Schrivier, 2017). Through surveys and other kinds of user studies, technical communication researchers realized that an audience's perception of an organization can affect how they interact with a document and how they feel about the information. Similarly, the way that information is delivered matters. One of the many examples Schriver gives involves a study of teenagers reading drug-prevention documents. She says, "my colleagues and I found that teens understood plain-language texts directed at them, but because the text's persona made teens feel 'talked down to,' they rejected messages that they understood and made fun of the presumed authors" (p. 364). Because of research like this, plain language is now understood to have a direct correlation to the audience's understanding and trust in both the content and the author of a document (Schrivier, 2017).

Similarly, Bosley (2015) she provides examples of complex documents such as insurance benefits packages and FAFSA to demonstrate how plain language could make difficult life choices and tasks less burdensome by enabling people to make informed choices based upon information they can understand. For Willerton (2015), examples such as these indicate an ethical responsibility on the part of technical communicators and institutions to follow plain language guidelines which could affect the kinds of actions people take on important decisions about their lives and futures.

Schrivier says that plain language advocates recognize that government communication is meant "not for pleasure, but for pragmatic goals—understanding, decision-making, learning, analyzing, following procedures, assessing risk, and taking action" (p. 345). The author goes on to say that plain language advocates are also aware that these "organizations may intentionally

deceive, lie, and manipulate people's thinking using plain language" which makes "ethically-motivated communications" and "honest conversation through clarity, accuracy, usefulness, and truthfulness" vitally important (p. 345.). Perhaps this is why, in his book, *Plain Language and Ethical Action*, Willerton (2015) emphasizes the importance of "continually assess[ing] and examin[ing] how technical communicators face and respond to ethical situations" (p. 2). B

Jones & Williams (2017) take plain language beyond the ethical concerns of Willerton into social justice concerns. They reflect upon the traditional approach to plain language, which aims to provide better access and understanding of "technical, civic, legal, and scientific discourse" (p. 312). They cite Willerton's frequent argument that plain language has a direct impact on a person's rights by helping them to make important decisions and take required actions. According to the authors, ethics in plain language focuses on granting audiences better access and understanding of technical or otherwise complicated information, which will ultimately grant them better agency. Building upon this definition, they explain that social justice in plain language accounts for agency and the amplification of agency, "but also identification and recognition of oppression and its root causes" (p. 413).

They argue that "plain language, because of its potential to engage issues of human dignity and human rights, moves beyond an ethics concern to a concern of social justice" (p. 413). They go on to argue that this "necessitates turning a more critical eye toward how and why plain-language guidelines are developed and implemented" and "investigating how, whether, and when plain-language guidelines amplify agency of oppressed and marginalized groups" (p. 413.) The authors specify that, "In all oppression there is an institutionalized and systemic obstruction of the agency and active disempowerment of groups and individual" (p.

413). Government forms such as the I-589 application and instructions are part of these larger institution and systems. As methods of communication and interaction with audiences, they represent those institutions.

Jones & Williams' methodology inspired the methodology described in Chapter 3 of this thesis. By analyzing the role of plain language in mortgage disclosures for minority homebuyers, Jones & Williams were able to study how a document can reinforce either discrimination or equality. They first learned more about the genre of document disclosures and legal requirements for such documents. They then compared how these requirements aligned with the Securities and Exchange Commission (SEC) guidelines for plain language in disclosure statements and the plain language recommendations in federal guidelines. They next combined these SEC's guidelines with critical discourse analysis to determine the effectiveness of the plain language used in the disclosure.

Ultimately, they concluded that while plain language is an important tool to communicate complex information in technical documents, plain language guidelines (whether institutional or regulatory) are not enough to solve social justice issues. They recommend that practitioners regard government guidelines as "minimum standards" to be supplemented with plain language best practices of design and writing (p. 413). They also recommended a human-centered design approach over a usability approach to improve agency and reduce inequity. They emphasize that not only would this approach require more collaboration with audiences, but "designers of such documents would be pushed to ask questions about the different types of audiences that use the documents, and the needs and constraints of those audiences" (p. 428).

Walton (2016) argues that HCD principles applied to plain language practices can help technical communicators shift “from critical analysis to critical action” (p. 411). She says this will also allow scholars to advance from analysis toward advocacy. Through HCD, technical communicators can gain both a deeper understanding of their audience as well as the ability to make informed choices in document language and design that will have meaningful impacts on their audience’s actions. This makes the move away from usability toward HCD vital to approaching social justice issues technical communication.

Human-Centered Design for Social Justice

Zachry & Spyridakis (2016) discuss the shift from usability/user-centered thinking toward human-centered thinking. The shift began with Henry Dreyfuss in the 1950s and gained significant momentum more recently in multiple fields, including technical communication, human-computer interaction, and usability, drawing upon research from multiple disciplines, particularly sociology (p. 393-396). Whereas user-centered design (“UCD”) focused on the successful user experience of an artifact, human-centered design places a stronger emphasis on human rights and values. The authors “believe that HCD is fundamentally about accounting for and reflecting shared human values in the creation of the technologies, artifacts, and systems that humanity shares in the collective pursuit of life” (p. 394). While they recognize that human values may vary or change over time, they “remain grounded in the assumption that human values are primary and should guide the world that people collectively create” (p. 394). This links HCD strongly with social justice.

According to Rose (2016), HCD “expands the context and reach of the work of technical communicators and provides an opportunity to investigate and advocate for the needs of

vulnerable populations” (p. 427). In other words, through HCD, technical communicators can focus on how the documents they construct impact the human experience rather than just how users interact with document or technology. Rose says that it is not enough to merely include the audience in the design process. HCD “should look more broadly and provide a way to consider how design can support or constrain the needs of people whose lives are impacted by both the systems and policies that are created by a more digitized world” (p. 428). This need increases the more technical communicators are asked to create documents for wider audiences spanning a variety of cultural backgrounds and complex experiences.

HCD can either oppose or enforce systems of oppression through thoughtful or shallow design. A fundamentally human understanding of an audience and commitment to human values is necessary to design successful artifacts which successfully empower individuals to act. These concepts are vitally important to the construction of documents such as the I-589 application and instructions.

Summary

Plain language and HCD, especially in tandem, are both advocated as modern methods of ensuring social justice in technical documents. According to Walton (2016):

With our field’s longstanding connection to technology, technical communication could be—arguably, has been and continues to be—implicated in exploitation if the documents and policies we craft perpetuate systems in which the work of the have-nots serves to maintain the authority, wealth, and power of the haves. Without scholarship explicitly making these connections, I fear that, operating from a too-narrowly scoped instrumentalist perspective, many well-meaning technical communicators will continue

to facilitate oppression. However, a field that explicitly embraces the support of human dignity [HCD] as its first principle would be well positioned to identify and pose strategies for avoiding the unintended perpetuation of exploitative oppression. (p. 412)

It may be obvious to say that social justice is important to the US immigration process, but it should still be said. The work technical communicators do to create forms like the I-589 application and instructions may either uphold or oppose social justice. As Walton (2016) points out, oppression can take many forms, including exploitation, marginalization, powerlessness, cultural imperialism, and violence. She summarizes the relationship between different kinds of oppression and human dignity, saying, “Oppression disrespects the intrinsic worth of a person” (p. 412). It is important to understand the role government plays in the way technical documents are constructed for these audiences. In the next section, I will discuss how government ideologies are perpetuated through e-government sites.

E-government Ideology

There have been many definitions of e-government since its inception in the 1990s. Seifert & Chung (2009) describe it simply as, “the use of IT to facilitate and modernize government activities” (p. 4). E-government has also been attributed with many assumed benefits throughout the years, particularly regarding the nature of government and its impacts upon citizens. Political science researchers tend to agree that the effects of individual e-government sites are largely contingent upon the characteristics of the government it represents and the culture it serves (e.g., Seifert & Chung, 2009; Lee, et al., 2011; Nam, 2016; Wong & Welch, 2004; Jaeger, 2005; Huang & Benyoucef, 2014). In this section, I will draw upon

the field of political science to discuss e-government's relationship with government-citizen relationships, e-democracy, anti-corruption, and openness and accountability.

It is generally assumed that e-government has great potential to improve the relationships between a government and its citizens. In their analysis and comparison of U.S. and Chinese e-government strategies, Seifert & Chung (2009) found that while the two countries seek to improve services with their citizens through different approaches, both approaches invariably reflect the values of each government. The U.S. approach was developed from the customer service model of the private sector, which is more user centric, and prioritized ease of use and streamlined processes for a better, more independent, user experience. This aligns with and reinforces U.S. ideals of freedom of access, regulated privacy, and individuality. The Chinese approach focused on administrative reform and openness of government activities coupled with stronger public surveillance and central government control. This aligns with and reinforces some of China's ideals, such as security through surveillance and more centralized government control over decentralized government control. Seifert & Chung concluded a few important things:

- E-government reforms with the same goals can look quite different in practice depending on the political and cultural context.
- E-government does not necessitate e-democracy.
- E-government does not necessitate openness in government.

E-democracy is often touted as a direct result of e-government. Lee, et al. (2011) empirically analyzed the relationship between e-government and e-democracy in 131 countries. They found that the level of practiced democracy was more strongly related to existing

government qualities and policies than to the effective use of e-government. E-government could amplify and reinforce democratic values, but it did not necessarily encourage or create them. Although greater transparency was found to be associated with e-government and e-democracy performance, the results of the study indicated that “democratic nations are no better than nondemocratic countries at e-government performance” (p. 449).

Similarly, e-government is often associated with a decrease in corruption. Nam’s (2018) findings on this topic were similar to those described above. He points out that “the acceptability of objectively corrupt behavior and susceptibility to corruption differ considerably across countries” (p. 275). While e-government can contribute to a decrease in corruption in “cultures less favorable for corrupt behaviors,” the effects are lessened in countries with “an unequal distribution of power” and “discomfort with uncertainty and ambiguity” (p. 281).

Finally, openness and accountability are popular e-government benefits that are often presented as working in tandem. It is widely assumed that utilizing the Internet in government will produce greater transparency, which will mean more opportunities for citizens to hold government accountable. Wong & Welch (2004) collected data on fourteen countries to test several hypotheses related to openness and accountability. They found that while e-government generally led to more openness and accountability, the method and degree differed depending upon the pre-existing political agendas and government-citizen relationships. Most importantly for this thesis, they also found that external government agencies (e.g., immigration, foreign trade, etc.) tended to have the least amount of transparency and accountability with users. They postulate this could be evidence that higher priority is given to citizens in e-government development and transparency on foreign policies could cause complications for government.

They go on to say that a stronger global expectation surrounding openness and accountability could lead to greater external agency transparency.

In this section, I established that e-government sites can mirror the goals and ideologies of their government. In addition, e-government does not necessitate greater e-democracy, decreased corruption, or increased openness and accountability. Next, I will continue to draw upon the field of political science, as well as disability studies and computer science, to focus on U.S. e-government usability and accessibility.

U.S. E-government

While there has been a decent amount of research conducted specifically on U.S. e-government, there are many gaps in the research. In their literature review, Snead & Wright (2014) surveyed “100 peer-reviewed scholarly publications published between 2007 and 2011” (p. 130). They found that over 50 percent of research took place at the federal level. There were no federal research efforts focused on theory and some publications did not include methodology sections at all. These results show that there is very little research being done to determine how to best evaluate e-government through real models grounded in legitimate theory. This suggests likely problems with usability, which is evidence in the usability rates found in other studies.

In a usability review of FEMA.gov, Elkins & Travis (2013) found that “while FEMA certainly expresses knowledge about its audiences and what information they need, the agency does not organize its site for these user communities to find relevant information” (p. 532). Elkins & Travis also point out that although FEMA claims to be 508 compliant and references the Plain Language Act on their website, the website fails to meet these standards. For example,

color scheme does not support ease of use and the overall language level is higher than the national average of eighth grade. While the points are certainly legitimate, the review amounts to some observations and recommendations that are not backed up by other research, methodology, or concrete theory. This, coupled with the findings of Snead & Wright (2014), does not paint a very promising picture of e-government research.

However, there is some substantial research in the field. A usability evaluation of the Obamacare website conducted by Venkatesh, et al. (2014) found that the website launch in 2013 suffered from a “lack of citizen-centric design perspective” (p. 669). This is a widespread issue in e-government generally, with not enough usability evaluations being utilized to discover specific issues and assess root cause. The researchers use the U.S. government’s own usability metrics (an idea which also inspired some of the methodology in the methodology chapter of this thesis) found on usability.gov and developed by the Department of HHS to develop a method for evaluating healthcare.gov which included a survey of 374 participants. This article was one of the few usability studies of U.S. e-government I read which included a reasoned methodology with measurable variables based in previous research. Overall, e-government research does not appear varied or robust.

As I discussed earlier in this paper, technical communication is transitioning from problems of accessibility and usability to the all-encompassing scope of social justice. Overall, researchers agree that while most of the e-government research for the US has been conducted on the federal level, the general nature and quality of that research is just as lacking as e-government itself. Jaeger (2008) argues that despite laws which dictate otherwise, e-government design is not usable or accessible. While user-centered evaluations can

undoubtedly uncover gaps and lead to enhancements, “true equal access to e-government will likely only occur if e-government sites are designed to be accessible from the start and tested for accessibility by persons with disabilities during development rather than after implementation” (Jaeger, 2008, p. 31). Basically, issues like accessibility and usability need to be prioritized in the early stages of conceptions, rather than afterthoughts mostly discovered through time-consuming research. Additionally, a turn to more HCD approaches to research and testing could help bridge the gap from usability and accessibility to social justice. In the next section, I will reference research from the field of technical communication and political science to focus more specifically on social justice issues related to e-government.

Social Justice in E-government

Although not all the research I will mention in this section was conducted in the U.S., I would like to point out an interesting discovery about U.S. e-government adoption to keep in mind. In a cultural comparison of e-government adoption, Carter & Weerakkody (2008) expected U.S. and U.K. e-government to function very similarly due to their cultural and technological similarities. They score higher than other countries for individualism and score similarly on other characteristics such as citizen views of power, masculinity, uncertainty, and virtue. These countries also had some of the highest scores for e-government readiness. Carter & Weerakkody (2008) found that perceived benefits and trust were important factors in both countries for e-government adoption. However, Internet accessibility and skill were significant factors in U.S. e-government adoption compared to the U.K. To explain this, the researchers point out two important facts: US e-government adoption is “highly correlated with various

socio-economic factors” and “one of the major components of the digital divide in the US is ethnicity, which may not be as salient in other cultures” (pp. 476-479).

This brings the discussion to how we account for culture and cultural identity in technical communication—especially intercultural and international communication. According to Hunsinger (2006), it is a mistake to “place too high a value on locating definitive culture” (p. 31). He is critical of heuristics used to define culture, saying that:

Culture is commonly treated as a prediscursive, effectively autonomous essence posing as a set of durable habits and practices, and cultural identity is something brought to communication rather than constructed and mobilized during communication. (p. 34)

This makes sense. As individuals we would not define ourselves as belonging to one prescriptive culture or identity, yet as technical communicators we often think of our audiences that way. Hunsinger also complains that these same heuristics do not allow for “economic, political, and historical factors that nevertheless affect cross-cultural communication” (p. 38). Again, this makes sense. Circumstances change every day, and so must people, and so must culture. Putting a single set of terms against all of that seems not only reductionist, but irresponsible.

So, what can be done about this? Hunsinger briefly touches on a “culture-free” approach but ultimately concludes that it comes with its own set of problems (p. 32). Again, this makes sense. Communication is bound in culture, however technical. Attempting to ignore it would probably be impossible and would almost certainly lead to bad communication methods. Instead, Hunsinger proposes a focus on what is “*cultural*” rather than just “*culture*” (p. 36-38). He emphasizes an intertextual approach to cultural understanding which includes all aspects of an increasingly inter-cultural world. For researchers, this means studying “the ways cultural

issues reflect many of the underlying antagonisms of the globalizing world, because what appear to be cultural issues often extend into political or social issues” (p. 42). Really, cultural issues could extend into any number of issues: economic, technological, scientific, etc. An important problem for this paper, is the tension between user and government interests.

As I mentioned earlier, HCD is quickly becoming a core tenet in technical communication and design. Students are taught to know their audience and consider their audience’s needs and perspectives in the content they create. Even before HCD, UCD was (and still is) a core tenet in technical communication which emphasizes successful user experience. Despite this, e-government is not initially designed with the audience in mind. According to Kotamraju & Van der Geest (2012), this is because governments “have their own needs and goals, which do not necessarily succumb easily to those of their users” and “even in largely democratic countries, the goals of e-government are shaped largely by the governments themselves” (pp. 262-263). Meaning, e-government initiatives and design are primarily built around what the government wishes to reflect about itself or control within its borders.

Unlike successful businesses, who consistently seek customer engagement and feedback on new and developing services, e-government rarely engages users in the design process (Kotamraju & Van der Geest, 2012). The authors do allow that e-government is a new field, which may need more development before leaping into more user-centered design (not to mention human-centered design). Most usability improvements to e-government have been initiated by legislation such as U.S.’s Section 508 and the Plain Language Act, mentioned earlier. However, while e-government does experience low usage rates because of poor design and

implementation, “they do not go bankrupt or enrage shareholders if people do not use e-government” (p. 265).

Importantly, Kotamraju & Van der Geest specify that:

Many governments choose to downplay the normative element of e-government and, therefore, design and develop services based on their ideal, rather than the actual relationship between governments and citizens, which, in turn, has adverse consequences for e-government’s user centricity... (p. 263)

Governments need people to do things they would rather not do (e.g., taxes, registration, etc.). Even in the most democratic nations, government acts as an authority in people’s lives (Kotamraju & Van der Geest, 2012). They must “provide for its citizens’ needs, even if it means overruling their wishes” (p. 266). This is where tension between the user and the government come into play. Kotamraju & Geest found four major points of tension:

- Users and governments have different ideas of tasks (for example, the government may issue a license whereas the user must complete x steps to complete an application for a license).
- Governments are often required to design for a multitude of possible use cases, meaning there is often extraneous information to interpret for the average user.
- Governments are committed to rules and regulations, whereas users may seek or desire ways around them.
- Governments seek more surveillance and control over users’ actions, whereas, given the state of public trust in e-government, users seek anonymity and privacy as much as possible.

It is easy to see the problem that emerges from these points: governments must often ignore user's needs and desires in favor of their own agendas.

Sometimes, e-government even ignores the wants and needs of some groups over others. For example, Segovia, et al. (2009), conducted a study of paralingual design and its impacts on trust. Paralingual design places text translations side-by-side rather than on another webpage or in a separate document (Segovia et al., 2009). The researchers concluded that paralingual design did increase the trust in minority speakers, but not in majority speakers. The researchers noted that there could be resistance to paralingual design from majority speakers. Based upon this "risk of backlash and rejection from the majority speaking population," the study concluded, "It is expected that paralingual Web design will only be appropriate in regions where there is significant lack of trust by the minority speakers but this needs to be confirmed" (p. 46). This is a pretty disheartening recommendation which favors one group of users over another for the government's best interests.

So, what does all of this mean for technical communicators engaged in e-government projects, such as the design of the I-589 application and instructions? According to Bartolotta (2019), quite a lot. He shares his criticism of a flyer published by the U.S. Department of Homeland Security, "Next Steps for Families." The document lists steps parents can take who illegally entered the U.S. with their children and were separated from them under the "Zero Tolerance" border policy. Of the document, he says that it is poorly composed:

This was the sort of document that, if something less ethically challenging but similarly written were submitted by my students, I would likely have spent a fair amount of time trying to workshop the document to make it better. (p. 16)

For example, the document begins by establishing the relationship and power dynamic between the user and the government: “the reader is in criminal custody of a foreign government” (p. 17). It is hard to know whether the document is intended to be usable, but Bartolotta wondered whether the document underwent any sort of usability testing. He wondered if it could even be ethically tested.

Bartolotta urges the field to consider more ethical evaluations of testing, especially now, as researchers converge on social justice issues. While it may be simpler to uphold established structures and independent communities, he argues that we must do more to understand the way we should communicate with oppressed communities. He uses the “Next Steps for Families” document as an example that “exists in a context in which racist and colonial ideologies are normative” (p. 20). He insists that technical communicators must develop ways to understand and, hopefully, disassemble such approaches to communication.

For his research, Bartolotta designs a hypothetical usability study of the “Next Steps for Families” document based upon the ethical standards put forth by the Usability Professionals’ Association (UPA):

1. Act in the best interest of everyone.
2. Be honest with everyone.
3. Do no harm and if possible, provide benefits.
4. Act with integrity.
5. Avoid conflicts of interest.
6. Respect privacy, confidentiality, and anonymity.
7. Provide all resultant data. (p. 19)

He selects hypothetical participants based on statistical data, offering to pay \$100 per hour in recognition of the risk to themselves. He says every effort will be made to protect the identity of participants, up to, and including terminating testing if moderator's feel a participant has given too much of their personal information to a government representative during the test. Participants will also receive free consultations with an immigration lawyer at the test site. All findings will be submitted to "ICE, ORR, the Department of Homeland Security, and both houses of the United States Congress" (p. 23).

Bartolotta also submits his hypothetical study to an imaginary IRB review process by analyzing whether the study aligns with the process' ethical standards, namely, respect for persons, beneficence, and justice. Ultimately, he rules the hypothetical study unethical on all counts and concludes that the researcher cannot ensure the results of the study will keep participants safe or even promote improvements. Additionally, "the usability test becomes a tool of the oppressor to give disenfranchised users an illusion of control and responsiveness" (p. 24). And finally:

Even with the best intentions, designers and user testers end up helping perfect part of an unjust, but increasingly sophisticated, system. So long as users are treated in an unjust system, it is difficult to imagine how the small justices of user-testing and human-centered document design impacts a mechanism meant to deny individuals of their humanity. (p. 24)

Bartolotta also urges that these kinds of documents "should be hotly debated amongst professionals and researchers, and students should be cognizant that the growing social justice

mission of the field is taken seriously” (p. 25). In other words, social justice should underpin all the work and pedagogy in technical communication.

Toward the goal of further research, this thesis will analyze the I-589 application and instructions created for asylum applicants. As I described in Chapter 1, asylum applicants are vulnerable and suffering trauma following violations of their human rights and dignity. My analysis is driven by two important questions:

1. Are the language and design strategies in the I-589 application and instructions appropriate for their audience from an HCD perspective?
2. Further, do these strategies enforce or perpetuate systems of oppression?

In the next chapter, I will explain the framework I used to assess how effectively these documents interact with their audience.

Chapter 3: Methodology

In this chapter, I will describe the methods I used to analyze the I-589 application and instructions communicated with their audience. Keeping in mind that asylum applicants are usually traumatized, vulnerable, and fleeing desperate or life-threatening situations, my purpose was to discover whether current methods of communications for this audience are appropriate and whether they reinforce oppression.

Artifact

I chose to analyze the I-589 Application for Asylum and for Withholding of Removal, as well as the Instructions for the I-589 Application for Asylum and for Withholding of Removal. As I discussed in the introduction, the application is 12 pages long and the instructions are 14 pages long. These two documents can be requested by phone or downloaded from the USCIS e-government webpage, uscis.gov/i-589. While there is some additional information on the webpage, the content basically amounts to the PDF links to each document. These forms can be downloaded for use and the application filled out in Adobe or by hand, but it must be printed and submitted by mail. Additionally, the documents are only provided in English and must be submitted in English.

I chose to analyze both documents together since each provides context for the other. The application consists of mostly questions and simple instructions, with a few instances of denser text. The instructions consist of detailed instruction and explanation of the process and special exceptions and rules for specific situations. Without the instructions, the directions on

the application would not be complete. There is no other substantial information provided to the applicant by USCIS to help them through the process.

My choice in artifact was also based on the appropriateness for my thesis questions. As I discussed in Chapter 1, the majority of asylum applicants are fleeing some form of oppression in their home country. As I also discussed in Chapter 1, immigration is a hotly debated topic in the U.S. and is often considered a bi-partisan issue with two prominent cultural narratives—one of which takes a particularly negative stance against asylum applicants. I wondered how the documents would approach or reinforce these narratives. I also felt they would provide a good example of how current technical communication methods address international audiences experiencing social justice violations.

Research Method

The basis of my research method was document analysis—specifically, qualitative document analysis (Hughes & Hayhoe, 2008). This involved manually breaking down the design and language of the documents into observable categories and patterns that could help me draw reasoned interpretations. I combined this method of analysis with a plain language framework to discover connections between textual elements and “real-world” issues. For example, language used to speak directly to the audience can offer insight into the relationship or power dynamic between the document’s author and its audience.

As I mentioned in Chapter 2, my method was inspired by Jones & Williams’ (2017) study of how a document can reinforce either discrimination or equality. They found that plain language guidelines are not enough to solve social justice issues. They recommend that government guidelines in particular should be supplemented with plain language best practices

of design and writing, as well as a human-centered design approach. I took these recommendations into account in my approach and found them very helpful.

As I also mentioned in Chapter 2, plain language in e-government plays a large role in the way audiences understand and meet legal requirements. This understanding could be the difference in an applicant completing an asylum application correctly or incorrectly. In this way, plain language allows an applicant to properly exercise their right to seek asylum. This ties directly into basic principles of HCD, which directs researchers and practitioners to analyze not only how audiences use documents, but also how documents impact the human experience.

To create my plain language framework, I adapted the existing guidelines from [plainlanguage.gov](https://www.plainlanguage.gov). Before I explain that framework, I want to note that both DHS and USCIS discuss plain language guidelines on their respective sites, but I found them inadequate for building a framework. The DHS website states, “Plain Writing is effective communication that conveys a clear message to an audience,” followed by a few sentences about the Plain Writing Act of 2010. The site includes links to compliance reports and implementation plans, but no specific guidelines. The USCIS website states, “USCIS is dedicated to improving how we communicate to the public. We support the Plain Writing act of 2010 and have an internal plain language program” (USCIS, 2020). The posted guidelines consist of 9 short videos hosted on YouTube. Each video is preceded by the topic name and a brief descriptor, such as “Acronyms” and “Don’t leave your readings drowning in alphabet soup.” The videos are similarly juvenile and appear outdated. At the time of this writing, however, the links to the videos appear to be broken. In addition to this lack of substance, there is no emphasis on the human element important to communicating with an audience. There are essentially no connections to HCD.

Plainlanguage.gov (2011) includes a list of Plain Language Guidelines with detailed explanations and examples of effective communication techniques versus poor communication techniques. Broadly, these include directives to:

- Write for your audience
- Organize the information
- Choose your words carefully
- Be concise
- Keep it conversational
- Design for reading
- Follow web standards
- Test your assumptions

Each of these links to a page which breaks each technique down into best practices with examples and justifications. The guidelines direct the user on how to use plain language in government documents, as well as the significance of particular best practices. They also echo certain HCD principles, such as understanding and writing for the audience. They encourage practitioners to learn about their audience through research and testing, so that they may consider the context in which the audiences interact with specific documents. These are great connections to HCD, but they are only strongly emphasized in the “Write for your audience” category and they could still be taken a step further.

Since many of the techniques overlap and the HCD principles are not clearly emphasized, I simplified them into two broad categories with smaller subsets. They can be broken down into design, consisting of organization and readability, and language, consisting of

word choice and audience. I also included guiding HCD principles for the major categories and sub-categories to help define the purpose of the overall guidelines in a social justice context. For example, for the language category: Successful use of language should result in appropriate, sensitive writing which demonstrates a researched understanding of the audience and the audience's circumstances. (The full list of adapted guidelines can be found in Appendix A.)

Table 1: Abbreviated Version of the Adapted Plain Language/HCD guidelines

<p><u>Design</u></p> <p><i>Successful use of design elements should result in visually appealing, manageable, and logically presented information that allows the audience to understand complex procedures and requirements.</i></p>	<p><u>Language</u></p> <p><i>Successful use of language should result in appropriate, sensitive writing which demonstrates a researched understanding of the audience and the audience's circumstances.</i></p>
<p><u>Organization</u></p> <p><i>Organization should prioritize the audience's information needs.</i></p>	<p><u>Word Choice</u></p> <p><i>Word Choice should prioritize writing that is appropriate to the audience's background.</i></p>
<p><u>Readability</u></p> <p><i>Readability should prioritize the audience's comfort level.</i></p>	<p><u>Audience</u></p> <p><i>Audience should prioritize writing that is sensitive to the audience's experiences.</i></p>

Analytical Process

My research process was inductive to begin and shifted to deductive as I worked through my analysis. I began with my initial reactions to the documents. I read through each document closely, highlighting things that stood out to me and taking notes of my thoughts and reactions. After reviewing my notes, I decided a document analysis based in plain language principles and best practices could help to better explain the technical problems I was seeing.

However, plain language principles from technical communication seemed to lack any specialization or authority for government-published documents. This led me to research into the plain language movement within the U.S. government, which led me to the guidelines from plainlanguage.gov. While these guidelines were an improvement, many of the categories overlapped. For example, the instruction to use simple language was repeated in nearly every list of best practices. This made it difficult to define distinct criteria for analysis. I also found that some of the categories did not address my research questions, such as creating webforms online rather than redistributing PDFs.

To address these issues, I took note of major patterns of successes and failures within the documents and grouped them by relationship or similarity. By focusing on these findings and cross-referencing them with the plainlanguage.gov guidelines, I was able to create a more simplified list of guidelines that related more closely to the documents and my research questions. From this set of adapted guidelines, I conducted my final analysis beginning with the application and working through each of the guidelines in the order they are listed in the appendix.

This approach allowed me to draw conclusions about the effectiveness of the documents and work through my research questions, but it does have limitations. Document analysis involves a degree of subjective reactions and interpretations. While the framework clearly pointed out where the documents fell short of the adapted guidelines in terms of design, analysis of the language required more explication on my part. Drawing from existing research helped keep my analysis grounded in established theory. This way, my findings were always connected to existing language in the documents.

Still, those reactions and interpretations were made by a technical communicator, not an asylum applicant. There were no usability studies, interviews, or surveys conducted with real applicants. While this would have been logistically impractical, it also brings up an important problem discussed in the literature review: is it ultimately ethical to perform usability studies with audiences suffering from oppression that may be reinforced by the technical document to be tested? Bartolotta (2019) concluded that usability testing in this situation “becomes a tool of the oppressor to give disenfranchised users an illusion of control and responsiveness” and “even with the best intentions, designers and user testers end up helping perfect part of an unjust, but increasingly sophisticated system” (p. 24). Since one of the major questions of this thesis is whether the artifacts reinforce oppression of persecuted individuals, usability testing does not seem ethical in this case.

The discussion in Chapter 5 will explore this further. Still, this document analysis can demonstrate the problems that result from a lack of plain language application without HCD principles, which I will discuss in the next chapter.

Chapter 4: Analysis

In this chapter, I will address how my document analysis reveals that both documents fail significantly to meet the design and language guidelines that I outlined in Chapter 3. Note, when “guidelines” are mentioned throughout this analysis, they refer to the design and language guidelines I adapted from the [plainlanguage.gov](https://www.plainlanguage.gov/) guidelines (the full list of which can be found in Appendix A.)

Overall, the design of the application achieves some success in the organization category. The document is well-organized according to the guidelines and seems relatively straightforward (albeit long) for a government form. However, it entirely fails to meet the design guidelines surrounding readability. It has poor visual appeal, improper bolding and italics, and over-utilizes cross-references. The instructions are particularly weak in both categories of design. They suffer from poor visual appeal exacerbated by long, complex sentences and ineffective lists, imprecise headings followed by unrelated content, over-utilized cross-references, and repetitive information.

Regarding language, both documents achieve minor success. The application and instructions properly utilize pronouns to refer to the applicant, and the instructions recognize that some applicants may need accommodations for disabilities. Overall, however, the failure of these documents in terms of word choice and audience is overwhelming—and arguably more serious than failures in design. The two categories of language work in tandem—one informs the other. In the application, formal, clinical word choice undermines the serious and traumatic experiences of the applicant and conveys a lack of sympathy and understanding. Words and

phrases unfamiliar to the audience, complex legal definitions, and repeated warnings written in condescending, insensitive, and inflammatory language make up the failures of the instructions.

As I mentioned in Chapter 3, it is necessary to examine both documents since they are meant to be used together. The applicant is even directed on the application to, “See the instructions for information about eligibility and how to complete and file this application” (p. 1). The application consists of mostly questions and simple instructions, with a few instances of denser text. The instructions consist of detailed instruction and explanation of the process and special exceptions and rules for specific situations. Without the instructions, the directions on the application would be incomplete.

In the following sections, I will address each of these documents’ successes and failures more fully according to each adapted guideline category.

Design: Organization and Readability

I-589 Application: Successes in Organization

There are three notable things the application does well in terms of organization. The application appears to follow logical order, beginning with information about the applicant (i.e., biographical information) then their spouse and children, then their background (i.e., past residences, education, employment), then the basis for their application (including trauma suffered), and signatures and disclosures. The application also makes use of short, descriptive headings, such as “Information About You” (p. 1) and “Information About Your Background” (p. 4). Third, there is only one level of headings, although some questions break down into levels (e.g., questions 2A and 2B). This still falls within the recommended levels for the document. See

Figure 2 for examples of this. Overall, it is generally clear from the headings and the questions what information is being requested.

I-589 Application: Failures in Readability

Moving into readability, as stated previously, there are several problems with the application, including poor visual appeal, poor application of bolding and italics, and over-utilization of cross-references.

Poor Visual Appeal. Right away, the first four pages are not visually appealing (see Figure 2). They include several small boxes and answer fields which appear very crowded on the pages. The signature pages have blocks of text, some in bold, which overwhelm the pages with typeface (see Figure 3).

Figure 2: Page 1 of the I-589 Application

Part A.I. Information About You				
1. Alien Registration Number(s) (A-Number) (if any)		2. U.S. Social Security Number (if any)		3. USCIS Online Account Number (if any)
4. Complete Last Name		5. First Name		6. Middle Name
7. What other names have you used (include maiden name and aliases)?				
8. Residence in the U.S. (where you physically reside)				
Street Number and Name			Apt. Number	
City	State	Zip Code	Telephone Number ()	
9. Mailing Address in the U.S. (if different than the address in Item Number 8)				
In Care Of (if applicable):			Telephone Number ()	
Street Number and Name			Apt. Number	
City	State	Zip Code		
10. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		11. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
12. Date of Birth (mm/dd/yyyy)		13. City and Country of Birth		
14. Present Nationality (Citizenship)		15. Nationality at Birth	16. Race, Ethnic, or Tribal Group	17. Religion
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.				
19. Complete 19 a through c.				
a. When did you last leave your country? (mmm/dd/yyyy)		b. What is your current I-94 Number, if any?		
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)				
Date	Place	Status	Date Status Expires	
Date	Place	Status		
Date	Place	Status		
20. What country issued your last passport or travel document?		21. Passport Number		22. Expiration Date (mm/dd/yyyy)
		Travel Document Number		
23. What is your native language (include dialect, if applicable)?		24. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No		25. What other languages do you speak fluently?

Figure 3: Page 9 of the I-589 Application

Part D. Your Signature									
<p>I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.</p>									
<p>WARNING: Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.</p>									
Print your complete name.	Write your name in your native alphabet.								
<p>Did your spouse, parent, or child(ren) assist you in completing this application? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list the name and relationship.)</p> <table border="0"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>(Name)</td> <td>(Relationship)</td> <td>(Name)</td> <td>(Relationship)</td> </tr> </table>						(Name)	(Relationship)	(Name)	(Relationship)
(Name)	(Relationship)	(Name)	(Relationship)						
<p>Did someone other than your spouse, parent, or child(ren) prepare this application? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," complete Part E.)</p>									
<p>Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? <input type="checkbox"/> No <input type="checkbox"/> Yes</p>									
<p>Signature of Applicant (The person in Part. A.I.)</p> <p>➡ [_____]</p> <p>Sign your name so it all appears within the brackets</p>									

Poor Application of Bolding and Italics. The very first line of text in the application begins, “start here” in bold and all capital letters, followed by an instruction to use black ink, direction to refer to the instructions, and explanation that there is no fee for this application—all in bold letters (see Figure 3). This is followed by the word “note” in bold and all capital letters next to a small checkbox and small font which reads, “Check this box if you want to apply for withholding and removal under the Convention Against Torture.”

Figure 4: Page 1 Header of the I-589 Application

Department of Homeland Security U.S. Citizenship and Immigration Services U.S. Department of Justice Executive Office for Immigration Review		OMB No. 1615-0067; Expires 05/31/2019 I-589, Application for Asylum and for Withholding of Removal	
START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application. NOTE: <input type="checkbox"/> Check this box if you also want to apply for withholding of removal under the Convention Against Torture.			
Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) <i>(if any)</i>	2. U.S. Social Security Number <i>(if any)</i>	3. USCIS Online Account Number <i>(if any)</i>	
4. Complete Last Name	5. First Name	6. Middle Name	

While the document does follow the guidelines by utilizing bold letters for emphasis, the font size is small. The eye naturally skips over these first few sentences to the first major section, “Information About You.” These are placed up front as if especially important, yet they could easily be missed by the applicant.

Additionally, italics are used out of compliance with the guidelines throughout the application. The convention is used mostly when providing the applicant with further explanation or instruction. For example, in Figure 2, field 19 clarifies, “Complete 19 a through c” in italics. Field 23 on the same page prompts the applicant for the native language, with “include dialect, if applicable” in italics in parentheses. The phrase “if any” in italics and parentheses often follows requests for things such as social security numbers or alien numbers. Italics also appear at the beginning of sections, next to the word “note” in bold and all capital letters, with references to the instructions. Some of these notes appear in parentheses and others do not (see examples in Figure 2). The reason for this is unclear. Laws are never presented in italics, as they should be, but in plain text.

Over-Utilization of Cross-References. The application also breaks the guidelines regarding cross-references. Pages 1, 5, 7, 8, and 9 all include cross-references to the instructions and various laws related to asylum immigration proceedings. Some of the legal references are unclear. For example, in Figure 3, pictured earlier, makes several legal references, such as, “See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.” This reference is part of a large, bold paragraph which begins with the word “warning” in bold and italic letters, under which the applicant must sign attesting the truthfulness of their application.

In another example on the same page, any non-family member preparing the form for an applicant is asked to sign a declaration. It reads, “I am aware that the knowing placement of false information the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).” In both examples, it is not entirely clear what the laws being referenced to are or where to find them.

I-589 Instructions: Failures in Organization and Readability

Unlike the application, which succeeds in organization and fails in readability, the instructions fail in both organization and readability completely. They suffer from imprecise headings followed by unrelated content, poor visual appeal exacerbated by long, complex sentences and ineffective lists, over-utilization of cross-references, and repetitive information.

Imprecise Headings Followed by Unrelated Content. There are numerous headings and sections within the document. Several of the headings are overly long (e.g., Who May Apply and Filing Deadlines, Obtaining and Completing the Form, etc.). The information following a heading

may first appear to relate to the topic, but it soon deviates. Sometimes the deviations are related caveats; other times they are entirely different topics altogether.

There are six levels of organization within the instructions—definitely over the recommended amount of two to three levels. This gets a little confusing when reading the document. There is a table of contents, which is helpful for reorienting within the document, but it is tedious to constantly go back to the table for reference. Additionally, the headings are not always concise and descriptive, as the guidelines call for. For example, the first section heading poses the question, “What is the purpose of this form?” (see Figure 5). In the first paragraph of this section, the reader gets an answer to this question. The following two paragraphs, however, are notes on when the applicant must file and how to file with a spouse and children. These are instructions, not information on the purpose of the form. This trend of deviation continues throughout the document. I will not list each of them, since they are too many, but I will highlight some notable ones.

Figure 5: Page 1 of the I-589 Instructions

<p>Department of Homeland Security U.S. Citizenship and Immigration Services</p> <p>Department of Justice U.S. Executive Office for Immigration Review</p>	<p>OMB No. 1615-0067; Expires 05/31/2019</p> <p>I-589, Application for Asylum and for Withholding of Removal</p>																												
Instructions																													
<div style="background-color: #f2f2f2; padding: 5px; margin-bottom: 10px;">What Is the Purpose of This Form?</div> <p>This form is used to apply for asylum in the United States and for withholding of removal (formerly called "withholding of deportation"). This application may also be used to apply for protection under the Convention Against Torture. You may file this application if you are physically present in the United States, and you are not a U.S. citizen.</p> <p>NOTE: You must submit an application for asylum within 1 year of arriving in the United States, unless there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within 1 year. (See Part C, Additional Information about Your Application, in Section V on Part I of the instructions for further explanation.)</p> <p>You may include in your application your spouse and unmarried children who are under 21 years of age and physically present in the United States. You must submit certain documents for your spouse and each child included as required by these instructions. Children 21 years of age or older and married children must file separate applications. If you are granted asylum and your spouse and/or any unmarried children under 21 years of age are outside the United States, you may file Form I-730, Refugee and Asylee Relative Petition, for them to gain similar benefits.</p>																													
<div style="background-color: #f2f2f2; padding: 5px; margin-bottom: 10px;">Instruction Sections: Filing Information and How Your Application Will Be Processed</div> <p>The instructions are divided into two sections:</p> <p>The first section has filing information. This section discusses basic eligibility criteria and guides you through filling out and filing the application.</p> <p>The second section explains how your application will be processed. This section also describes potential interim benefits available while your application is pending.</p> <p>Read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, how to complete the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See Section IV, Right to Counsel, in Part I of these instructions.)</p>																													
<div style="background-color: #f2f2f2; padding: 5px; margin-bottom: 10px;">Table of Contents</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Part I. Filing Instructions.....</td> <td style="text-align: right;">2</td> </tr> <tr> <td> I. Who May Apply and Filing Deadlines.....</td> <td style="text-align: right;">2</td> </tr> <tr> <td> II. Basis of Eligibility.....</td> <td style="text-align: right;">2</td> </tr> <tr> <td> A. Asylum.....</td> <td style="text-align: right;">2</td> </tr> <tr> <td> B. Withholding of Removal.....</td> <td style="text-align: right;">3</td> </tr> <tr> <td> C. Deferral of Removal Under the Convention Against Torture.....</td> <td style="text-align: right;">4</td> </tr> <tr> <td> D. Legal Sources Relating to Eligibility.....</td> <td style="text-align: right;">4</td> </tr> <tr> <td> III. Confidentiality.....</td> <td style="text-align: right;">4</td> </tr> <tr> <td> IV. Right to Counsel.....</td> <td style="text-align: right;">4</td> </tr> <tr> <td> V. Obtaining and Completing the Form</td> <td style="text-align: right;">5</td> </tr> <tr> <td> Part A.I. Information About You.....</td> <td style="text-align: right;">5</td> </tr> <tr> <td> Part A.II. Spouse and Children.....</td> <td style="text-align: right;">5</td> </tr> <tr> <td> Part A.III. Information About Your Background.....</td> <td style="text-align: right;">6</td> </tr> <tr> <td> Part B. Information About Your Application.....</td> <td style="text-align: right;">6</td> </tr> </table>		Part I. Filing Instructions.....	2	I. Who May Apply and Filing Deadlines.....	2	II. Basis of Eligibility.....	2	A. Asylum.....	2	B. Withholding of Removal.....	3	C. Deferral of Removal Under the Convention Against Torture.....	4	D. Legal Sources Relating to Eligibility.....	4	III. Confidentiality.....	4	IV. Right to Counsel.....	4	V. Obtaining and Completing the Form	5	Part A.I. Information About You.....	5	Part A.II. Spouse and Children.....	5	Part A.III. Information About Your Background.....	6	Part B. Information About Your Application.....	6
Part I. Filing Instructions.....	2																												
I. Who May Apply and Filing Deadlines.....	2																												
II. Basis of Eligibility.....	2																												
A. Asylum.....	2																												
B. Withholding of Removal.....	3																												
C. Deferral of Removal Under the Convention Against Torture.....	4																												
D. Legal Sources Relating to Eligibility.....	4																												
III. Confidentiality.....	4																												
IV. Right to Counsel.....	4																												
V. Obtaining and Completing the Form	5																												
Part A.I. Information About You.....	5																												
Part A.II. Spouse and Children.....	5																												
Part A.III. Information About Your Background.....	6																												
Part B. Information About Your Application.....	6																												
<p>Form I-589 Instructions 05/16/17 N Page 1</p>																													

The second heading is titled “Instruction sections: Filing Information and How Your Application Will Be Processed” (see Figure 5). This may lead the applicant to think they are about to read information related to filing and processing their application. In reality, this section is describing the two major, overarching sections of this document and the information that can generally be found within them. There are brief, two-sentence descriptions of the purpose of each of these sections. These two components are also inconsistently described. In this heading, they are referred to as “sections” within the instructions, whereas, in the table of contents, they are referred to as Part 1 and 2, respectively. This confusingly titled section also deviates from the heading topic.

After the two brief descriptions, a larger paragraph provides direction to read the instructions carefully and assures the audience that the instructions will help them to complete their application. It also informs them that they can seek legal counsel if they need help. This is followed by three paragraphs of warnings should the applicant not be approved or fail to meet a requirement during the application process. While important, these warnings do not correspond to the heading title and do not help the applicant begin or complete their application.

Poor visual appeal exacerbated by long complex sentences and ineffective lists. Figure 5 also shows the dense appearance of the instructions. There are several headings per page on most of the pages and large chunks of bold text. The document is laid out with two columns of text on each page which are very blocky with large paragraphs. While there are topic sentences in many of the paragraphs, transitions are virtually non-existent. Each paragraph reads like a totally independent and long statement of fact or instruction. It is often not apparent how they are related. Many of the sentences are long and complex with a direct and authoritative tone.

The list pictured across Figures 6 and 7 is a great example of the syntax within the document. It appears under section VI and describes the supplemental documents required to apply. Rather than listing each item succinctly, most are described in short paragraphs with caveats and cross-references. For example, the third item (proof of relationship to family members included in the application) includes a bold note that if an affidavit is submitted, “the original and one copy” must be submitted (Figure 7). In parentheses, the document cross-references “Part A.II in Part 1, Section V” for more information on affidavit requirements. The list is followed by yet more notes and clarifications.

Figure 6: List from Page 7 of the I-589 Instructions

VI. Required Documents and Required Number of Copies That You Must Submit With Your Application

You must submit the following documents to apply for asylum and withholding of removal:

1. **The completed, signed original and one copy of your completed application, Form I-589**, and the original and one copy of any supplementary sheets and supplementary statements. If you choose to submit additional supporting material, see **Section VII, Additional Evidence That You Should Submit, in Part 1** of these instructions. You **must** include two copies of each document. You should make and keep an additional copy of the completed application for your own records.
2. **An additional copy of your completed application, Form I-589**, with supplementary statements, for each family member listed in **Part A.II.** that you are including in your application.

Figure 7: List from Page 8 of the I-589 Instructions

3. **Two copies of primary or secondary evidence** of relationship, such as birth or school records of your children, marriage certificate, or proof of termination of marriage, for each family member listed in **Part A.II.** that you are including in your application.

NOTE: If you submit an affidavit, you must submit the original and one copy. (For affidavit requirements, see **Part A.II in Part 1, Section V**, of these instructions.)

4. **One passport-style photograph** of yourself and of each family member listed in **Part A.II.** that you are including in your application. The photos must have been taken no more than 30 days before you file your application. Using a pencil, print the person's complete name and A-Number (if any) on the back of each photograph.
5. **Two copies of all passports or other travel documents** (cover to cover) in your possession and two copies of any U.S. immigration documents, such as a Form I-94, Arrival-Departure Record, for you and each family member included in your application, if you have such documents. Do not submit original passports or travel documents unless specifically requested.
6. **If you have other identification documents** (for example, birth certificate, military or national identification card, driver's license, etc.), we recommend that you submit two copies with your application and bring the original(s) with you to the interview.

Copies. *Documents filed with this application should be photocopies.* If you choose to send an original document, USCIS or the Immigration Court may keep that original document for its records.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Many of the lists are like this. There are no simple list items of only a few words. Instead, lists contain detailed information, caveats, and cross-references which make it more difficult to follow the content and understand application requirements. While the lists are mostly written in parallel construction, many of them read like long sentences or paragraphs separated by semicolons, with the final item ending in a period. Also, the lists are numbered rather than bulleted, even when listing items rather than listing a sequence. Pages 3-12 all contain numbered lists which should be bulleted (although, page 9 does include a list describing the order of application materials, for which a numbered list is appropriate). Some of these lists could probably serve the applicant better as tables. For example, for demonstrating when sending materials corresponds to certain special circumstances or specifying when sending materials or particular actions should correspond with different possible points in the process.

Over-Utilization of Cross-References. As I mentioned, many of the lists within the instructions include cross-references. In 14 pages, the document includes 16 cross-references to websites, 44 cross-references to the application, 10 cross-references to other sections of the instructions, and roughly 47 cross-references to laws for a total of 117 cross-references. (The number 47 was reached by counting instances of legal cross-references; although, many instances include references to multiple sections of a law).

Cross references to websites appear as hyperlinks, in blue underlined font. As I mentioned in Chapter 1, these documents can be ordered by phone or downloaded online. If an applicant orders the documents by phone or prints them to complete later by hand, they will still need an Internet connection to access the majority of these resources. Most of these refer to different pages within uscis.gov, but also include references to justice.gov, refworld.org,

dhs.gov, usdoj.gov, unhcr.gov, and even the Adobe website where applicants can download the software to view PDFs.

Cross-references to other sections of the instructions and cross-references to the applications appear in bold, even though bold font should only be used for emphasis and headings. It can become confusing when the document refers to a section within the application or a section within the instructions, since some of them have corresponding headings. This correspondence seems designed to allow the audience to follow the instructions alongside the application, but there are times when questions are skipped, and the frequent cross-references in instructions and cross-references in caveats can become confusing and difficult to follow.

The legal cross-references are written in plain font, not italicized, and often in parentheses. There is also no link or instruction on how to access these resources. Page 4 includes a list of references, but says, “These sources are provided for reference only. You do not need to refer to them in order to complete your application” (see Figure 8).

Figure 8: Reference List from Page 4 of the I-589 Instructions

D. Legal Sources and Guidance Relating to Eligibility

The documents listed below are some of the legal sources and guidance relating to asylum, withholding of removal under section 241(b)(3) of the INA, and withholding of removal or deferral of removal under the Convention Against Torture. These sources are provided for reference only. You do not need to refer to them in order to complete your application.

1. Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee");
2. Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum);
3. Section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (regarding eligibility for withholding of removal);
4. Title 8 of the CFR parts 208 and 1208, et seq.;
5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as implemented by section 2242(b) or the Foreign Affairs Reform and Restructuring Act of 1998 and 8 CFR section 208, as amended by the Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999) (effective March 22, 1999); 64 FR 13881 (March 23, 1999);
6. The 1967 United Nations Protocol relating to the Status of Refugees;
7. The 1951 Convention relating to the Status of Refugees; and

These same references occur throughout the document. Their repeated presence throughout the document, coupled with the statement that they are unnecessary, seems contradictory. The list seems to have been added almost like a disclaimer, so the agency can confirm they made the applicant aware of them. This could also be a way to further demonstrate the complexity of immigration law, as it is followed by a confidentiality section

warning that information provided in the application could be used to remove applicants from the country if they are denied asylum, as well as a legal representation section informing the applicant of their right to seek their counsel at their own cost. I will discuss this same issue further in the language sections later in my analysis. Overall, the cross-references could have been better utilized in a table at the end of the document with an explanation of their use and where to locate them.

Repetitive Information. Like cross-references, information is often repeated throughout the instructions. For example, the same warning from page 9 of the application (see Figure 1) is repeated in the same format on page 1 of the instructions (see Figure 5) (the word “warning” in bold and all capital letters, with the body text of the warning all in bold), and in a different format on page 7. Page 7 works in the warnings between instructions for signatures on the application. It even goes as far as to quote the law for proof of the severity of the warning. For another example, page 1 includes a bold note that the applicant must file within one year of arrival to the United States. This is repeated in bold on page 2. There are many bold paragraphs and sentences like this that emphasize what can happen if the applicant does something incorrectly or inaccurately. This seems similar to the reference list in purpose in that it could exist within the document for legal reasons or to demonstrate the complexity of immigration law. Again, I will address this more fully in the language sections of my analysis.

There are roughly 10 major warnings, only some of which are called out in bold or otherwise attention-grabbing typeface. Some of these warnings and callouts could also be combined into a section with important points in the document, so as not to distract from the instructions for filling out the application. For example, the last page includes a very brief

“penalties” section repeating the warning from page 9 of the application and page 1 and 7 of the instructions. Many of the warnings could be communicated here rather than repeated throughout the documents unless they directly and concisely refer to a specific step in the application process or must appear in a particular place for legal reasons.

Language: Word Choice and Audience

I-589 Application and Instructions: Successes in Word Choice and Audience

In terms of language, there are a couple of things the application does well. The document regularly uses pronouns to address or describe applicants (e.g., “*you* must apply” and “*I* confirm”). (Although, this success is tempered by the fact that the documents also refer to the government in the third person by name (e.g., USCIS or United States) rather than by using the pronoun “*we*” as directed in the guidelines). Also, most of the words and phrases throughout the application are straightforward, however (with signature pages 9 and 10 being the largest exception).

I-589 Application: Failures in Word Choice Connect to Failures in Audience

Within the application, it is important to examine the failures in word choice and audience as connected. Separated, the significance of the failures is not as apparent. By analyzing them together, it becomes obvious that the document’s words do not properly address the audience. It is also important to remember that this language is being used to address individuals fleeing their home country due to violations of their human rights and dignity. They are in a vulnerable state, fleeing from trauma and oppression.

First, the application's language is highly formal and typical of a government entity addressing an individual. For example, "Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn" (p. 9). Word choice specifically surrounding the audience's traumatic experiences and vulnerable situation is very clinical and understated in the application. For example, the applicant is asked to list the last address they had outside of the U.S. The application states, "If this is not the country where you fear persecution, also list the last address in the country where you fear persecution" (p. 4). The opening of Part B on page 5 of the application is very similar. It skirts around the difficult topics of persecution, oppression, and torture by asking the applicant to provide an account of "the basis of your claim" with details about "each event or action." This paragraph even understates one of the bases of eligibility for the application, calling it "asylum or other protection claim" (p. 5) and following the statement with a parenthetical reference to the Convention Against Torture rather than referring to the experience of torture directly (see Figure 9).

Figure 9: Sample Directions and Questions from Page 5 of the I-589 Application

Part B. Information About Your Application	
<p>(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)</p>	
<p>When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.</p>	
<p>Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.</p>	
<p>1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.</p>	
<p>I am seeking asylum or withholding of removal based on:</p>	
<input type="checkbox"/> Race	<input type="checkbox"/> Political opinion
<input type="checkbox"/> Religion	<input type="checkbox"/> Membership in a particular social group
<input type="checkbox"/> Nationality	<input type="checkbox"/> Torture Convention
<p>A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?</p>	
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p>If "Yes," explain in detail:</p>	
<p>1. What happened;</p>	
<p>2. When the harm or mistreatment or threats occurred;</p>	
<p>3. Who caused the harm or mistreatment or threats; and</p>	
<p>4. Why you believe the harm or mistreatment or threats occurred.</p>	

The beginning of the same section includes a list of possible reasons for the application next to checkboxes. The applicant is directed to check the box which corresponds to the appropriate option for their situation (see Figure 9). The options provided are race, religion, nationality, political opinion, membership in a particular social group, and torture convention. The list does not explicitly say "racism" or "religious persecution." Instead, the first five of these options are boiled down to characteristics of the applicant rather than their experiences. The option "torture convention" is even further removed. It refers to the Convention Against Torture rather than a characteristic of the applicant or the experience of torture.

The series of yes or no checkbox questions in the application also minimizes the experiences of the applicant (see Figure 9). The first asks whether the applicant has experienced "harm or mistreatment or threats" (p. 5). The applicant is asked to explain why they "believe"

the “harm or mistreatment or threats” occurred (p. 5). This sort of distancing language continues throughout the yes or no questions. Also, the yes or no questions always provide the “No” option first. This makes it seem like the natural or expected answer to questions such as “Do you fear harm or mistreatment if you return to your home country?” (p. 5). This construction seems counterintuitive considering the application is meant for those who have experienced persecution and trauma of some kind.

I-589 Instructions: Success in Word Choice and Audience

Like the application, the instructions utilize pronouns to refer to the applicant (but not the government). Additionally, the instructions recognize that applicants may require accommodation for disabilities. Page 12 of the instructions specifies that if the applicant is deaf or hard of hearing, the government will provide an interpreter at no cost to the applicant. This is reassuring to applicants who fall within this group.

I-589 Instructions: Failures in Word Choice Connect to Failures in Audience

Just as in the application, it is important to examine the failures in word choice and audience as connected. Separated, the significance of the failures within the instructions is not as apparent. Again, by analyzing them together, it becomes obvious that the document’s words do not properly address the audience. Failures in the instructions include words and phrases unfamiliar to the audience, legal definitions, and repeated warnings written in condescending, insensitive, and inflammatory language.

Unfamiliar Words and Phrases. Throughout the instructions, there are several long, complex sentences and phrases and terms that a typical applicant may not be familiar with. For example:

Applicants and eligible dependents in removal proceedings who fail without good cause to provide USCIS with their biometrics or their biographical information as required within the time allowed may have their applications found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, 208.20, 1003.47(d), and 1208.20. (p. 1)

Non-native English speakers unfamiliar with government and legal writing may have trouble with more formal or antiquated phrases such as “fail without good cause,” “within the time allowed,” and “may have their applications found abandoned” (p. 1). These phrases are not concise or clear despite the direct and authoritative tone. Terms such as “eligible dependents,” “removal proceedings,” and “biometrics” refer directly to the immigration process and may also be unfamiliar (p. 1).

Along the same lines, the instructions utilize 8 different abbreviations—mostly for government agencies, but a couple for laws and one for an unaccompanied applicant child (UAC). The document spells out an abbreviation the first time it is mentioned, with the abbreviation in parentheses, as in the excerpt above. Abbreviations for laws and certain agencies, such as USCIS, are used thereafter to refer to the longer name. For some abbreviations, such as ICE and UAC, the full format is repeated each time, with the full name and abbreviation. It is unclear why some abbreviations are treated differently than others, but those that are not repeated throughout (particularly those references laws) may be difficult to recall for a typical applicant unfamiliar with the terms and agencies.

Complex Legal Definitions. Despite the guideline to minimize definitions, there are two notable definitions in the instructions. The first is for a UAC:

An Unaccompanied Alien Child (UAC) is a legal term referring to a non-U.S. citizen child who has no lawful immigration status in the United States; has not attained 18 years of age; and has no parent of legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody. See 6 U.S.C. 279(g)(2). The Asylum Division has initial jurisdiction over an asylum application filed by a UAC, including a UAC in removal proceedings before an immigration judge. For more information about the asylum process for UAC, visit the USCIS asylum website at www.uscis.gov/humanitarian/refugees-asylum/asylum/minor-children-applying-asylum-themselves.

Detailed UAC filing instructions are found in **Part 1, Section XII** of these instructions. (p. 2)

The definition is not provided at the end of the document and actually starts toward the beginning of a section, as an entire paragraph. This definition also includes three cross-references, one of which is regulatory. This is also contrary to both the original and adapted guidelines, which say to “never include regulatory or substantive material in definitions.” This is also the only time the document stops referring to the applicant directly as “you.” Instead, the document is written as if for someone else reading *about* the UAC. This creates distance from the child applicant, as well as suggesting that the text is not written for UACs, but someone helping a UAC—presumably, a legal representative.

The second notable definition also does not appear at the end of the document and cross-references regulations (see Figure 10). It first explains that the “Convention Against Torture refers to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment” (p. 3). The document goes on to explain that to be granted asylum under this convention, the applicant must prove that their experiences meet the *legal* definition of torture. According to the definition, “it must be an extreme form of cruel and inhuman treatment, it must cause severe physical or mental pain and suffering, and it must be specifically intended to cause severe pain and suffering” (p. 3). The document continues with more requirements for an act to meet this definition for a total of three paragraphs, which makes the task of proving torture appear quite daunting. The document does not explain what kind of proof is suitable to meet these requirements.

Figure 10: Definition of Torture from Page 3 of the I-589 Instructions

Withholding of Removal Under the Convention Against Torture

The Convention Against Torture refers to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

To be granted withholding of removal to a country under Article 3 of the Convention against Torture, as implemented in U.S. law, you must show that it is more likely than not that you would be tortured in that country.

"Torture" is defined at 8 CFR sections 208.18(a) and 1208.18(a), which incorporate the definitions in Article 1 of the Convention against Torture as implemented in U.S. law. For an act to be considered torture, it must be an extreme form of cruel and inhuman treatment, it must cause severe physical or mental pain and suffering, and it must be specifically intended to cause severe pain and suffering.

Torture is an act inflicted for such purposes as obtaining from the victim or a third person information or a confession, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind.

Torture must be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises only from, is inherent in, or is incidental to lawful sanctions, although such actions may not defeat the objective and purpose of the Convention Against Torture.

Warnings with Condescending, Insensitive, and Inflammatory Language. As I mentioned in the design analysis, there are repeated warnings and reminders of consequences for failures to fulfill requirements (e.g., denial of application, denial of all immigration benefits, removal from the country, etc.). There are also consistent reminders that the applicant's answers could be used to remove them from the country should their application be denied or withdrawn. These many warnings and reminders stop the flow of reading and focus the audience's attention

away from the task toward something else. For example, the instructions make a point of saying that the application will require higher levels of approval if the applicant is applying on the basis of torture. It implies the process will be longer or more difficult. This also interrupts the flow of the document and turns attention away from filling out the application.

Page 4 of the instructions also emphasizes the difficulty of the process: “Immigration law concerning asylum and withholding of removal or deferral or removal is complex.” The instructions go on to inform the applicant, “You have a right to provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the US Government” (p. 4).

While this is the first time in the documents the applicant has been empowered (i.e., “you have a right”), the government is still granting that right. Additionally, the need for this right implies the applicant’s presumed incapability of representing themselves or completing the application or the immigration process without legal representation. It seems that without legal representation, they have no agency.

Additionally, each time professional representation or help is recommended or required in the instructions, the language fails to address the applicant as a traumatized and vulnerable person. For example, on page 6, “If you have experienced harm that is difficult for you to write down and express, you must be aware that these experiences may be very important to the decision-making process regarding your request to remain in the United States.” While this is the first time the documents acknowledge some of the challenges faced by the applicant, the emphasis falls on the successful submission of the application rather than the well-being of the

person. The second clause of the sentence hints that if the applicant does not detail their experiences, they may be denied and removed from the U.S.

In the same paragraph, the applicant is told, “At your interview with an asylum officer or hearing with an immigration judge, you will need to be prepared to discuss the harm you have suffered” (p. 6). So, expressing this in writing will not be enough. While this statement does finally acknowledge that the applicant has “suffered,” the instructions go on to say, “If you are having trouble remembering or talking about past events, we suggest that you talk to a lawyer, an accredited representative, or a health professional who may be able to help you explain your experiences and current situation” (p. 6). Phrases like “past events,” “experiences,” and “current situation” greatly simplify the applicant’s thoughts and feelings around the violations they have suffered.

While the document does recommend the applicant seek help if they are having difficulty with their traumatizing experiences, the goal of this is to help them “explain” what they have been through in order to submit their application. If the goal were to help them “explain” in the sense of helping them to process and articulate the horrible things they’ve experienced, it seems like a therapist or psychologist would be a better recommendation than a lawyer or “accredited representative.” While a health care professional is suggested, this is a vague and all-encompassing term which avoids discussing the type of healthcare which may really be needed by someone who is traumatized and vulnerable.

Similarly, toward the end of the instructions in bold letters: “If you are unable to proceed with the asylum interview in fluent English, you must provide, at no expense to USCIS, a competent interpreter fluent in both English and a language you speak fluently” (p. 12). So, in

this situation, the applicant does not have a “right” to bring their own interpreter, but they are required to. They are warned that “quality interpretation may be crucial to your claim” (p. 12). This is similar to the warning from earlier. It implies that while they are required to pay for an interpreter if they do not speak fluent English, they should seek one that is highly qualified for the best chance at approval of their application.

The applicant is also warned (again in bold) that failure to provide a “competent interpreter” may be seen as “an unexcused failure to appear for the interview” (p. 12). In this case, the application can be dismissed. So, if they cannot find a way to communicate effectively in English, their presence at the interview is invalid. This does nothing to recognize the struggle of someone fleeing a terrible situation under circumstances beyond their control, who may not speak English in their native country, and may not have a way to pay for an interpreter.

Summary

Overall, document analysis reveals how the design and language of the documents largely fail to meet the adapted plainlanguage.gov guidelines or acknowledge the audience’s needs and identity. The documents instead seem oriented around the government’s goal of acquiring and processing accurate information in the application rather than effectively communicating a complex process to a potentially traumatized and vulnerable person.

Chapter 5: Discussion

This thesis seeks to answer two questions concerning existing technical documents created for an audience suffering from trauma and vulnerability following violations of their human rights and dignity.

1. Are the language and design strategies in the I-589 application and instructions appropriate for their audience?
2. Further, do these strategies enforce or perpetuate systems of oppression through the audience's experience of the I-589 application and instructions?

The results of the analysis provide a straight-forward answer to the first question: the design and language of the I-589 application and instructions are inappropriate for the audience.

Answering the second question requires further examination. This chapter will revisit issues discussed in the introduction and literature review to expand upon the analysis and more fully address that question.

Discussion

In Chapter 2, I discussed the increasing importance of research surrounding the way technical communicators construct documents for international and intercultural audiences. In particular, I discussed the importance of how technical communicators treat more vulnerable members of these audiences who are suffering from violations of their human rights and dignity. According to Walton (2016), “technical communication could be—arguably, has been and continues to be—implicated in exploitation if the documents and policies we craft perpetuate systems in which the work of the have-nots serves to maintain the authority, wealth, and power

of the haves” (p. 412). Without self-aware methods, technical communicators risk contributing to and reinforcing systems of oppression.

As I discussed in Chapter 2, although e-government websites are a good place to find these audiences and conduct research, they do not necessarily enforce greater e-democracy, openness, accountability, or accessibility. In fact, “Democratic nations are no better than nondemocratic countries at e-government performance” (Lee, et al., 2011, p. 449). Generally, e-governments tend to reflect the existing ideologies and goals of a government agency—good or bad (e.g., Seifert & Chung, 2009; Lee, et al., 2011; Nam, 2016; Wong & Welch, 2004; Jaeger, 2005; Huang & Benyoucef, 2014). The analysis in the previous chapter provided a good test of how current methods in technical communication interact with political narratives and interests on behalf of the audience.

As I also discussed in Chapter 2, e-government is a new field which is still easing into usability and user-centered design. There does not appear to be much intentional discussion of human-centered design in their literature and the focus on plain language trends toward the superficial. Overall, methods tend to be more reactive than proactive. In addition to this, the needs and interests of governments and audiences are often in conflict with one another. According to Kotamraju & Van der Geest (2012), “Many governments...design and develop services based on their ideal, rather than the actual relationship between governments and citizens” (p. 263). In the case of the I-589, for example, applicants are driven to complete the application process in order to escape a terrible situation through the help of the U.S. government. USCIS, on the other hand, is driven to acquire all the accurate information from an

applicant in order to process their application in a way that complies with laws and regulations and protects U.S. borders and resources.

Given the supposed values and extensive resources of the U.S. government, the poor usability and lack of human centered design is troubling to say the least. Although e-government research in the U.S. has mostly centered on federal agencies, the uscis.gov webpage for the I-589 asylum process basically amounts to two linked PDF documents. Additionally, despite existing government legislation and guidelines to utilize plain language best practices in government forms and communication, the I-589 documents are overly complicated and deeply insensitive. It seems unlikely that the authors of these documents are untrained technical communicators or completely ignorant of the needs and obstacles of their audience. So, why are they so poorly constructed? There seem to be two possible answers to this question:

1. The design and language of the documents is constructed to alienate the audience.
2. The design and language of the documents is constructed for another audience.

Upon further examination, these two explanations are not mutually exclusive.

My analysis presented several examples of poor language and design, such as over-use of legal cross-references and definitions, complex sentences with overly formal and clinical language, and repeated warnings with condescending and inflammatory language. Some design elements of the documents seem to assume that the applicant has not suffered a form of oppression which would qualify them for the I-589 process (e.g., the yes/no application questions in which the “no” checkbox options are unusually placed first following eligibility questions). Others seem determined to persuade the applicant of the difficulty of the process. Recall, here, examples from the analysis, such as statements concerning how “complex” asylum

immigration law is and the long definition of torture followed by explanations about the additional approvals needed for someone applying on the basis of torture.

Remember, also, the repeated warnings of serious consequences for failing to meet requirements. Indeed, applicants are repeatedly reminded that even if they should fulfill all the requirements of the application process, the information provided in their application could be used to remove them from the country if they are denied asylum. This is reminiscent of articles written by Sara McKinnon (2009, 2010, 2011) on asylum rhetoric. She analyzes the rhetorical situation in asylum immigration court to show how asylum narratives are shaped and influenced by government agencies and representatives. In a similar way, while these could be viewed as obligatory legal statements, the warnings and reminders almost seem constructed to prompt the applicant to answer questions in a particular way or wonder if they should even apply.

And peppered throughout all of this, are more repeated reminders that the applicant can or, in some cases, *must* seek professional expertise or representation. For example, following a statement about how “complex” the immigration process is, applicants are told they may wish to seek legal representation to help them navigate the difficult process. Again, while these could be viewed as obligatory legal statements, the amount of times this kind of statement is repeated alongside a warning indicates that the authors of the documents do not truly expect applicants to navigate these documents on their own. And if they have no expectation of that, then it follows that they would not be motivated to construct the documents with usable design and audience-centered language in the first place. Instead, they are counting on the applicants seeking legal counsel or representation, which the language seems to encourage.

This also explains why the language is not tailored for non-experts and seems so distant from the suffering and feelings of the applicant. There is not a real goal to sympathize or reassure applicants and help them through the process with these documents. Instead, the goal is to outsource explanations and directions to immigration lawyers educated in immigration laws and proceedings in order to receive and process correctly completed applications (though, perhaps, not many of them).

Recall from Chapter 1 that an applicant with legal representation is 5 times more likely to be granted asylum, but immigration lawyers must come at the expense of the applicant (who is not allowed to work and often detained while awaiting their hearing) or funding from a charity (which is limited). Additionally, new policies, such as the “Remain in Mexico” policy, make it difficult for lawyers to communicate with their clients. Research shows that this decrease in representation appears to correlate with the decline in asylum approvals despite a stable rate of proven “credible fear.” Given these realities, the push for the applicant to seek legal representation seems both unrealistic and self-contradictory. While USCIS must observe international law and regulations within the asylum application (and that is at least part of the reason for the documents’ complexity), the way those requirements are met can differ depending on the policies of an administration. This tension between law and policy creates the kinds of problems identified by my analysis.

There is no real attempt to grant the applicant true agency. Instead, the documents take advantage of the fears and vulnerability of the applicants through intimidating design and language in order to discourage confidence and understanding. Recall Walton’s (2016) explanation of oppression from Chapter 2. She says that oppression can take many forms,

including exploitation, marginalization, powerlessness, cultural imperialism, or violence that ultimately “disrespects the intrinsic worth of a person” (p. 412). By seriously minimizing and even discouraging an applicant’s ability to apply for asylum through the language and design discussed in my analysis, the I-589 documents serve to continue the cycle of abuse that asylum applicants flee from.

It seems that the true goal of these documents is to remain in compliance with international law while simultaneously discouraging the entire asylum process according to the policy goals of the current administration. This allows USCIS and the administration to outwardly appear to follow the letter of the law while inwardly disregarding its spirit. And so, the second question posed in this thesis is answered: the I-589 documents *do* perpetuate oppressive systems.

Conclusion and Recommendations

In Chapter 2, I discussed social justice research in technical communication—particularly toward integrating social justice perspectives with plain language and HCD. The language technical communicators use in technical documents can influence the decision and actions of audiences in ways that can have serious impacts on their lives—applying for asylum, for example. This gives technical communicators an ethical responsibility to critically examine plain language practices through the lens of social justice. HCD can be that lens. As I also discussed in Chapter 2, HCD supports human rights and dignity by promoting understanding of individuals and the many contexts in which they live.

My method of analysis was inspired by Jones & Williams (2017), who found that plain language alone is not enough to manage social justice concerns and recommended that plain

language guidelines and best practices be supplemented with HCD. I applied this recommendation to my own method. My analysis is unique in the way that the original plainlanguage.gov guidelines were adapted and synthesized with HCD to perform a better critique. By reorganizing and simplifying the original guidelines into basic principles of design (organization and readability) and language (word choice and audience), I was able to focus on aspects of the documents which would most help or hinder an HCD, social justice approach. I also included guiding principles for each of the major categories and sub-categories to define and direct the purpose of the listed best practices. This method demonstrates how e-government and technical communication principles can be combined to draw valuable, nuanced conclusions. It can be applied to other e-government documents for analysis—or really any document.

As I mentioned in Chapter 3, this research did not include insights from actual I-589 applicants. A large part of successful HCD involves gathering input and feedback from the audience and conducting primary and secondary research to understand the audience's challenges and circumstances. As I discussed in Chapter 2, conducting HCD research with oppressed audiences raises several ethical problems, such as how researchers guarantee their safety or that the risks and time taken from the audiences will be worth the benefits gained. To repeat Bartolotta (2019):

So long as users are treated in an unjust system, it is difficult to imagine how the small justices of user-testing and human-centered document design impacts a mechanism meant to deny individuals of their humanity. (p. 24)

The field lacks sufficient research on how to navigate these particular social justice issues. Technical communication researchers seem aware of this problem. The research tends to discuss what the responsibilities of the field should be and what kind of contributions it can make toward greater social justice through technical documents (e.g., Agboka, 2014; Jones, et al., 2016; Jones & Walton, 2013; Walton, 2016; Agboka, 2013; Colton & Holmes, 2018; Jones, 2016—and basically all of the technical communication researchers mentioned in Chapter 2). There are many tests and analyses of existing methods and documents performed through a social justice lens. This research has paved the way for more to come and should continue; however, systems of oppression are a larger problem than analytical research alone can solve. While plain language and HCD are undoubtedly powerful tools at our disposal, the field needs more than strong theoretical methodology. We need to find ethically acceptable ways to interact with vulnerable, oppressed audiences to test and improve our understanding and methodologies.

Overall, my findings demonstrate how existing technical documents fail to meet the needs and challenges of international and intercultural audiences suffering from trauma and vulnerability following violations of their human rights. Worse, these findings further demonstrate how existing technical documents can take advantage of that vulnerability to promote the goals of institutions over individuals. But clearly, analysis alone cannot champion the social justice cause within technical communication. And in fact, technical communicators alone are not enough to champion this cause. From this research, it is clear that writing for vulnerable and traumatized audiences requires technical communicators to understand the unique needs and circumstances of their audience. These audiences can exist in many contexts

outside of e-government, such as mental health organizations or domestic violence organizations, to name a couple examples. Communicating with these audiences in a way that respects their humanity above all else requires serious collaboration with experts and practitioners within the corresponding field.

Technical communicators cannot afford to analyze these problems from a distance in perpetuity. Scholars and practitioners do need more research toward better methods for approaching human social justice issues in technical communication, but they also need to act in concert with the government agencies responsible for programs such as asylum. I highly recommend:

- Continued integration of plain language and HCD principles within technical writing pedagogy and practice
- More research and pedagogy surrounding the ways technical communicators should balance the needs of vulnerable audiences with the interests of powerful stakeholders
- Meaningful collaboration between technical communication and e-government (and other institutions) to conduct social justice research, learn from each other, and develop best practices

These recommendations should come naturally to the field of technical communication, which has always been grounded in multi-disciplinary research and theory. But instead of only pulling from other fields what is deemed useful or important, technical communicators should reach out as advocates of technical communication ideologies which could be adopted by other fields. Technical communicators cannot achieve social justice in technical documents without the same commitment from the agencies and companies their work represents. Technical

communicators must continue to demonstrate and promote the need and virtues of social justice methodologies within technical communication, as well as to experts and practitioners in other fields. Over time, it can be hoped that these collaborations and social justice practices will result in meaningful policy and legislation that can positively impact the lives of vulnerable and traumatized audiences which must navigate technical documents to take action on important decisions which have huge impacts on their lives and well-being.

References

- Agboka, G.Y. (2013). Participatory Localization: A social justice approach to navigating unenfranchised/disenfranchised cultural sites. *Technical Communication Quarterly*, 22, 28-49. Retrieved February 16, 2020.
- Agboka, G.Y. (2014). Decolonial methodologies: Social justice perspectives in intercultural technical communication research. *Technical Writing and Communication*, 44(3), 297-327. Retrieved February 16, 2020.
- Balaban, S. (2018, February 25). *Without a lawyer, asylum seekers struggle with confusing legal processes*. NPR. Retrieved May 19, 2020 from <https://www.npr.org/2018/02/25/588646667/without-a-lawyer-asylum-seekers-struggle-with-confusing-legal-processes>
- Bartolotta, J. (2019). Usability Testing for Oppression. *Communication Design Quarterly*, 7(3), 16-29. Retrieved February 16, 2020.
- Carter, L. & Weerakkody, V. (2008). E-government adoption: A cultural comparison. *Inf Sys Front*, 10, 473-482. Retrieved February 16, 2020.
- Chang, A. (2018, September 28). *Thousands could be deported as government targets asylum mills' clients*. NPR. Retrieved May 26, 2020 from <https://www.npr.org/sections/money/2018/09/28/652218318/thousands-could-be-deported-as-government-targets-asylum-mills-clients>
- Colton, J.S. & Holmes, S. (2018). A social justice theory of active equality for technical communication. *Journal of Technical Writing and Communication*, 48(1), 4-30. Retrieved February 15, 2020.

Department of Homeland Security, U.S. Citizenship and Immigration Services & U.S. Department of Justice, Executive Office for Immigration Review. (2019). *I-589, Application for Asylum and for Withholding of Removal* [PDF, Rev. 9/10/19]. Retrieved from <https://www.uscis.gov/i-589>

Department of Homeland Security, U.S. Citizenship and Immigration Services & U.S. Department of Justice, Executive Office for Immigration Review. (2019). *I-589, Application for Asylum and for Withholding of Removal Instructions* [PDF, Rev. 9/10/19]. Retrieved from <https://www.uscis.gov/i-589>

Elkins, J. & Travis, D.M. (2013). FEMA.gov: A review of usability. *The Federal Emergency Management Agency, US Department of Homeland Security*. Retrieved October 8, 2019, from <http://dx.doi.org/10.1026/j.giq.2013.10.001>

Hunsinger, R.P. (2006). Culture and cultural identity in intercultural technical communication. *Technical Communication Quarterly*, 15(1), 31-48. Retrieved February 16, 2020.

Jaeger, P.T. (2008). User-centered policy evaluations of Section 508 of the Rehabilitation Act. *Journal of Disability Policy Studies*, 19(1), 24-33. Retrieved February 16, 2020.

Jones, N.N. (2016). The technical communicator as advocate: Integrating a social justice approach in technical communication. *Journal of Technical Writing and Communication*, 46(3), 342-361. Retrieved February 15, 2020.

Jones, N.N., Moore, K.R., & Walton, R. (2016). Disrupting the past to disrupt the future: An antenarrative of technical communication. *Technical Communication Quarterly*, 25(4), 211-229. Retrieved February 15, 2020.

- Jones, N.N. & Williams, M.F. (2017). The social justice impact of plain language: A critical approach to plain-language analysis. *IEEE Transactions on Professional Communication*, 60(4), 412-429.
- Kotamraju, N.P. & Van der Geest, T.M. (2012). The tension between user-centered design and e-government services. *Behavior and Information Technology*, 31(3), 261-273. Retrieved February 16, 2020.
- Lazo, A. (2020, January 31). Fewer asylum seekers have lawyers under Trump administration policy. *The Wall Street Journal*. Retrieved May 19, 2020, from <https://www.wsj.com/articles/fewer-asylum-seekers-have-lawyers-under-trump-administration-policy-11580472003>
- Lee, C., Chang, K., & Berry, F.S. (2011). Testing the development and diffusion of e-government and e-democracy: A global perspective. *Public Administration Review*, 444-449. Retrieved February 16, 2020.
- McKinnon, S. (2009). Citizenship and the performance of credibility: Audiencing gender-based asylum seekers in U.S. Immigration courts. *Text & Performance Quarterly*, 29(3), 205-221. Retrieved June 24, 2020.
- McKinnon, S. (2010). Excavating gender in women's early claims to political asylum in the United States. *Women's Studies in Communication*, 33(2), 79-95. Retrieved June 24, 2020.
- McKinnon, S. (2011). Positioned in/by the state: Incorporation, exclusion, and appropriation of women's gender-based claims to political asylum in the United States. *Quarterly Journal of Speech*, 97(2), 178-200. Retrieved June 24, 2020.
- Mehta, S. (2011). The asylum seeker. *The New Yorker*, 87(22). Retrieved October 9, 2019.

- Meyer, M. & Pachico, E. (2018, February 1). *Fact Sheet: U.S. Immigration and Central American Asylum Seekers*. Washington Office on Latin America. Retrieved May 26, 2020 from <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>
- Miller, C.R. (1979). A humanistic rationale for technical writing. *College English*, 40(6), 610–617.
Retrieved October 8, 2019.
- Miller, B., Camp Keith, L., & Holmes, J.S. (2014). In immigration judges and U.S. asylum policy. University of Pennsylvania Press, Inc.
- Nam, T. (2018). Examining the anti-corruption effect of e-government and the moderating effect of national culture: A cross-country study. *Government Information Quarterly*, 35, 273-282.
Retrieved February 16, 2020.
- National Immigration Forum. (2019, January 10). *Fact Sheet: U.S. Asylum Process*. Retrieved May 19, 2020, from <https://immigrationforum.org/article/fact-sheet-u-s-asylum-process/>
- Rose, E. J. (2016). Design as advocacy: Using a human-centered approach to investigate the needs of vulnerable populations. *Journal of Technical Writing and Communication*, 46(4), 427–445.
- Schrivver, K. A. (2017). Plain Language in the US Gains Momentum: 1940–2015. *IEEE Transactions on Professional Communication*, 60(4), 343-383. <https://doi.org/10.1109/TPC.2017.2765118>
- Seifert, J.W. & Chung, J. (2009). Using e-government to reinforce government-citizen relationships. *Social Science Computer Review*, 27(1), 3-23. Retrieved February 16, 2020.

- Segovia, R.H., Jennex, M.E., & Beatty, J. (2009). Paralingual web design and trust in e-government. *International Journal of Electronic Government Research*, 5(1), 36-49. Retrieved February 16, 2020.
- Snead, J.T. & Wright, E. (2014). E-government research in the United States. *Government Information Quarterly*, 31, 129-136. Retrieved February 16, 2020.
- TEDx Talks. (2015, December 11). *Deborah Bosley: Demand to understand: How plain language makes life simpler* [Video]. YouTube. <https://www.youtube.com/watch?v=OXcLwIZOE1s>
- U.S. Citizenship and Immigration Services (USCIS). (2018). *Asylum Workload Statistics for Approval Rates and Credible Fear Found Rates (FY17-FY18Q3)* [Data Set]. Immigration and Citizenship Data. Retrieved May 18, 2020, from https://www.uscis.gov/sites/default/files/files/nativedocuments/Asylum_Workload_Statistics_for_Approval_Rates_and_Credible_Fear_Found_Rates_FY17_-_FY18_Q3.pdf
- Walton, R. (2016). Supporting human dignity and human rights: A call to adopt the first principle of human-centered design. *Journal of Technical Writing and Communication* 46(4), 402–426. Retrieved October 8, 2019.
- Walton, R. & Jones, N.N. (2013). Navigating increasingly cross-cultural, cross-disciplinary, and cross-organizational contexts to support social justice. *Communication Design Quarterly*, 1(4), 31-35. Retrieved February 15, 2020.
- Wong, W. & Welch, E. (2004). Does e-government promote accountability? A comparative analysis of website openness and government accountability. *Governance: An International Journal of Policy, Administration, and Institutions*, 17(2), 275-297. Retrieved February 16, 2020.

Written testimony of USCIS refugee, asylum and international operations refugee affairs division Chief

Barbara Strack and USCIS fraud detection and national security Associate Director Matt Emrich

for a senate committee on the judiciary, subcommittee on immigration and the national interest

hearing titled "Oversight of the administration's FY 2016 Refugee Resettlement Program: Fiscal

and Security." (2015). *U.S Department of Homeland Security*. Retrieved October 9, 2019.

<https://www.dhs.gov/news/2015/10/01/written-testimony-uscis-senate-judiciary-subcommittee-immigration-and-national>

Venkatesh, V., Hoehle, H., & Aljafari, R. (2014). A usability evaluation of the Obamacare website.

Government Information Quarterly, 31, 669-680. Retrieved October 8, 2019.

Zachary, M. & Spyridakis, J.H. (2016). Human-centered design and field of technical communication.

Journal of Technical Writing and Communication, 46(4), 392-401.

Appendix A

Plain language guidelines adapted from plainlanguage.gov and combined with HCD guiding principles for the qualitative document analysis in this thesis.

<p><u>Design</u></p> <p><i>Successful use of design elements should result in visually appealing, manageable, and logically presented information that allows the audience to understand complex procedures and requirements.</i></p>	
<p>Organization</p> <p><i>Organization should prioritize the audience's information needs.</i></p>	<p>Readability</p> <p><i>Readability should prioritize the audience's comfort level.</i></p>
<ul style="list-style-type: none"> • Present important information first and follow logical order. • Use concise and descriptive headings limited to three levels or less. • Use lists to outline steps and requirements. • Write lists in parallel construction within three levels or less. 	<ul style="list-style-type: none"> • Construction should make it easy for the audience to understand requirements and complete tasks. • Create text that is visually appealing and manageable. • Use simple typography (serif for body text, sans serif for headings, and no more than two typefaces). • Use bold for emphasis and italics for parentheticals, such as laws.

<ul style="list-style-type: none"> • Use topic sentences and transition words to establish main ideas and important information. • Focus on what the audience wants to know. 	<ul style="list-style-type: none"> • Only use numbered lists to describe sequences. • Minimize cross-references (necessary cross-references should clearly describe referenced material and appear at the end of a passage).
<p><u>Language</u></p> <p><i>Successful use of language should result in appropriate, sensitive writing which demonstrates a researched understanding of the audience and the audience's circumstances.</i></p>	
<p><u>Word Choice</u></p> <p><i>Word Choice should prioritize writing that is appropriate to the audience's background.</i></p>	<p><u>Audience</u></p> <p><i>Audience should prioritize writing that is sensitive to the audience's experiences.</i></p>
<ul style="list-style-type: none"> • Use simple words and phrases. • Avoid jargon and technical terms. • Minimize abbreviations and definitions (place necessary definitions at the end and never include regulatory or substantive material). 	<ul style="list-style-type: none"> • Research and know the audience. • Write to the audience, not the experts. • Use pronouns to speak directly to the audience (i.e., "you" for the audience and "we" for the agency). • Use language the audience understands and feels comfortable with.